



City of Jonesboro

300 South Church Street
Jonesboro, AR 72401

Meeting Minutes 2 Metropolitan Area Planning Commission

Tuesday, March 11, 2014

5:30 PM

Municipal Center

1. Call to order

2. Roll Call

Mr. Brian Dover was also present.

Present 6 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; Beverly Nix; Jerry Reece and Jim Scurlock

Absent 1 - Kim Schrantz

Excused 1 - Joe Tomlinson

3. Approval of minutes

MIN-14:021 Approval of the February 11, 2014 Minutes

Attachments: [MAPC Meeting Minutes_Feb 11 2014 Draft](#)

A motion was made by Jerry Reece, seconded by Jim Scurlock, is matter be Approved . The motion PASSED with the following vote: Mr. Brain Dover voted Aye. The Vote was 6 to 0.

Aye: 5 - Paul Hoelscher; Ron Kelton; Beverly Nix; Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

4. Site Plan & Miscellaneous Items

SP-14-05 George Hamman, Civilogic, on behalf of Northeast Arkansas Clinic Properties, LLC, requests Preliminary Site Plan Approval for Ridgecrest Nursing Home to be located at the rear of 5508 & 5512 E. Johnson Avenue on a site recently rezoned to C-3 L.U.O. by Ordinance ORD-13:046.

Attachments: [Ridgecrest Nursing Home](#)
[Rezoning Plat](#)
[Ordinance 13046](#)
[MP 13-27 Ridgecrest Minor Plat - Not been filed](#)

A motion was made by Ron Kelton, seconded by Jim Scurlock, that this matter be Approved . The motion PASSED with the following vote: Mr. Brain Dover

voted Aye. The Vote was 6 to 0.

Aye: 5 - Paul Hoelscher; Ron Kelton; Beverly Nix; Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

5. Final Subdivisions

7. Rezoning

RZ-14-01 RZ 14-01: Rezoning Case: 2001 Margo Lane

Jack Elam owner of Elam Enterprises, Inc is requesting MAPC approval of a Rezoning from AG-1 Agricultural District to C-3 General Commercial District for .40 acres of land located at 2001 Margo Lane.

Attachments: [Application](#)
[Zoning Plat](#)
[Staff Summary](#)

Mr. George Hamman, Civilogic appeared before the Commission stated that he prepared the application for rezoning on behalf of the owners and stated that he has been through the staff report and find nothing objectionable. He feels that he can pair-down the permitted use in accordance with the highlighted uses on page 6 of the staff report. They are fine with option 2 as a motion on page 7 of the report.

Staff:

Mr. Spriggs gave summary comments from the Staff Report. He presented the case facts and described the general project vicinity of Marlo Lane and Hwy. 18 E. The Comprehensive Land Use Plan recommendation is Light Industrial for the project site. The table and list of criteria for rezoning was covered, and consistency was achieved on all items with the exception of lot depth and configuration. The minimum of 100 ft. was lacking. Calls have been received from real estate/property owners in the area who have inquired about rezoning adjacent property. Mr. Hamman noted that he was aware of at least 4 owners interested.

Mr. Spriggs: Noted that this area is highly favorable for rezoning and redevelopment to commercial, although there are still residential uses abutting. The difficulty that would result from the lot depth mentioned would be an issue of concern, if this one parcel is developed by itself. The concerns highlighted (Table 2) on a number of uses on the subject property were raised due to the lot depth, because a number of the uses would not fit and would cause an adverse impact on any residential that were to remain for a number of years. The converting of the existing single family home does remain an option. Regarding some of the permitted uses on the allowable list, staff is definitely open to that. This is the reason for the two options that were presented. Option 1 would be to table the issue as noted, until other property could be requested to be joined in on the petition for consideration or Option 2 as noted in Conditions 1-5 (below). Mr. Hamman concurred that he is fine with Option 2.

Public Input: None.

Commission Deliberation:

Mr. Hoelscher asked for an overview of the nature of the calls for the property.

Mr. Spriggs stated that he received a call from a real estate agent representing property owners and questions were raised as to the scenario of what would be the status of the single family dwellings if it were rezoned to C-3 General Commercial. Staff told them that the Planning Commission has the liberty to sunshine the residential uses until such time a site plan would come to the Commission for approval.

Ms. Nix stated that she read this and sees that the neighbors were not contacted, but the realtor did call you? Mr. Spriggs noted that he received a call from the realtor and a property owner. He also clarified that the rezoning was properly advertised and the required notices/signage were posted.

Mr. Reese: Looks to me like we will end up with a commercial lot surrounded by residential homes and they are asking for approval with no conditions nor limited use overlay?

Mr. Spriggs stated that Mr. Hamman and Mr. Elam have concurred and agree with the stipulations and the limited use overlay restricting certain uses. Mr. Hamman pointed out that some of those homes are actually zoned commercial abutting to the west, and he is requesting for this lot as well.

Mr. Hoelscher: How are we addressing the non-conforming lot size?

Mr. Hamman stated that it goes back to some of the original zoning ordinances and stated that when this was laid out, it was 210 ft. X 105 ft. deep when the subdivision was approved; and the State came in and widened Hwy. 18 (Highland Ave.), thus purchasing much of the right of way frontage and reduced the lot depth to what it is today.

Mr. Hoelscher: Do we need to address that specific issue?

Mr. Spriggs stated that it will take care of itself with Condition No. 5, which deals with building setbacks. If it were to go to Council for review and approval, they could not come back to the MAPC with a site plan that would be passable until the other properties are coordinated and consolidated (it will not fit). It is a progression that will occur.

Commission Action:

Motion was made by Scurlock to accept with the noted restrictions and with Option 2. Motion was 2nd by Mr. Paul Hoelscher, that this matter be Recommended to Council. The motion PASSED with the following vote. Mr. Brain Dover voted Aye. The Vote was 6 to 0.

Aye: 5 - Paul Hoelscher; Ron Kelton; Beverly Nix; Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

RZ-14-02

RZ 14-02: Herman Alston requests MAPC approval of a Rezoning from R-1 Single Family Residential to I-1 Limited Industrial District for .52 acres of land located east of Red Wolf Boulevard and on Briar Lane.

Attachments: [Application](#)
 [Rezoning Plat](#)
 [Rezoning Vicinity Map](#)
 [Location Map](#)
 [Aerial Vicinity Map](#)
 [Staff Report](#)

Mr. Terry Bare, HKB, Inc. appeared before the Commission and noted he prepared the application and represents the owners. The property is occupied by 2 mini-storage facilities and it appears that they were built in the early 70's and did not violate any Zoning regulations at that time. The property to the west is zoned C-3, north is C-3, and south of the request is zoned I-1 They are asking that the property be rezoned accordance with its use and the zoning.

Staff:

Mr. Spriggs gave staff summary comments. He gave the surrounding conditions. Neighborhood Retail is recommended on the Land Use Plan. With the lumber yard to the west. There is a single family subdivision built to the east that was later built. Other rezonings have occurred along Briar and to the south. This area has been in transition. We provided the list of criteria for rezoning. All of the items are in compliance with the exception of the Land Use Plan. Staff has noted the recommendation is for neighborhood retail. Because it is our desire that non-conforming uses be brought into compliance with the zoning eventually, this is an instance that compatibility with the land use plan merits an update to the Land use Plan, and such change is justifiable.

Mr. Spriggs: We had the opportunity to evaluate all issues during the pre-development meeting, where no issues came about with the exception that Engineering raised the concern about connectivity of Briar street the mixed development occurring to the south and east towards Red Lobster and Longhorn restaurants, to get the traffic to race street and to a traffic light at Red Wolf Blvd.

Mr. Spriggs: The table of permitted uses was discussed. There are some industrial uses that have been highlighted that would not be compatible with the residential just across the street. The others could be implemented with proper buffering and screening. The recommendation of approval with stipulations was read. Mr. Spriggs asked Mr. Bare if the applicant is agreeable to a change to Limited Use Overlay. Mr. Bare stated that nothing in item 5 is planned. They are trying to bring it into compliance with no plan to build anything else.

Public Input: None.

Ms. Nix: Was the land posted so the neighborhood could see it. Mr. Bare: Yes.

Mr. Hoelscher: Were there any comments from other departments? Mr. Spriggs reiterated Engineering's concerns of connectivity. Mr. Bare commented on the street abandonment in the past.

Mr. Spriggs clarified and stated that the MAPC appears to be asked to rezone this with no restrictions and no limited use overlay. Mr. Bare stated that he has not had the time to ask his client about the L.U.O.

Mr. Kelton: Observed how close the homes are on the narrow street. Mr. Kelton asked Mr. Bare if he could contact them. Mr. Bare: We would be rezoning it to the least zoning classification to take care of the need. Mr. Spriggs stated that mini-storage could be placed in C-3 Commercial as a conditional use.

Mr. Bare: The owners are willing to place the LUO restrictions on there.

A motion was made by Jim Scurlock, seconded by Paul Hoelscher, that this matter be Recommended to Council . The motion PASSED with the following vote. Mr. Brain Dover voted Aye. The Vote was 6 to 0.

Aye: 5 - Paul Hoelscher;Ron Kelton;Beverly Nix;Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

RZ-14-03 RZ 14-03: Village Residential Overlay District Text Update: Presented to the MAPC for consideration. The Planning Department Staff will continue the proposal of revising the existing ordinances for Village Residential Overlay District (Chapter 117-140). See February Agenda for previous discussion.

Attachments: [Chapter 117-140 Village Residential District Existing Code](#)
[Expanding the Village Residential Overlay District Memo to MAPC](#)
[Chapter 117-140 Village Residential District FinalCopy](#)

Matter was tabled until the meeting: April 8, 2014.

RZ-13-23 RZ 13-23 Ms. Sharon & Herb Stallings (owner) request approval of a rezoning from C-5 Neighborhood Commercial and R-2 Single Family Residential to CR-1 L.U.O, Neighborhood Commercial District- for 1.55 acres of property located at 2904 and 2906 Stallings Lane at Red Wolf Blvd. (Stadium). This item was acted on by the MAPC prior. Applicant is requesting a reconsideration and change in application.

Attachments: [Staff Summary](#)
[Application](#)
[Rezoning Plat Updated](#)
[HistoryZoningPlat](#)
[ORD06_165](#)
[Overview of Stallings Family Ownership](#)

Mrs. Sharon Stallings stated that she is the owner of the subject rezoning property located on Red Wolf Blvd. & Stallings Lane and also property on Bernice Cove in the rear. Mrs. Stallings stated that she wanted to make this as simple and straightforward as possible. They have had this property for over 40 years.

Mrs. Stallings noted that they have no relationship with Casey's General Store.

Mrs. Stallings: This is the first time the Stallings have put the property for sale. Casey's were the first the Stallings took an offering from. We made it clear that they would have to go through the City and work things out on the front end. After 8 months of tweaking the site plan, we were obligated that as the contract would run out, to give them 90 days to work this out with the City. After the January 21st Council meeting, they decided to let us have the contract back. And we did so. We gave them their earnest money back and we are not under contract with them. Mrs. Stallings added that they did not have their hearts set on Casey's. They are a wonderful company. It is just that it didn't work out, and that is fine because there are a lot of other uses.

Mrs. Stallings noted that they are asking for a rezoning of their property as described and pictured on the explanation map shown. Mrs. Stallings: All but a quarter of an acre is currently C-5 Commercial.

The City's designation is no longer C-5, it is CR-1. We are asking that this quarter of acre and all of the other property which is C-5, be changed to CR-1. Our reasoning is because the Bernice Cove lot is 270 ft. deep, and renters don't want a lot that deep. The area in "R-2 property in red" is better used with the commercial property. This would square off the property better so that it would be marketed more to the CR-1 categories it is listed for. To the west it would give us a deeper and more favorable property to go with the rest of that commercial. And I think that is what MAPC preferred that if we sold this property, you wanted the buildings moved more westerly farther away from the Red Wolf & Stallings stop light. This would be more easily marketable for someone to put their structure farther to the west.

Staff:

Mr. Otis Spriggs gave staff summary comments. He noted that the previous record of proceedings were copied to the MAPC by which the previous application for a change to C-3 L.U.O. General Commercial for a gas station convenience was recommended to Council for approval; but, later was tabled indefinitely, due to issues regarding the required traffic impact study. Mr. Spriggs added that this proposal for reconsideration will make the project more restricted and consistent with the original C-5 Neighborhood Commercial zoning originally approved by Council in 2005.

Note that Consistency is achieved with the proposed Land Use Plan recommendations and the Master Street Plan in terms of right-of-way width recommendations.

Mr. Spriggs: As discussed in the MAPC pre-development meeting, a list of uses has been incorporated within the staff report (see Table 1). The Stallings could actually apply for a number of uses for a development permit or other uses could be submitted to the Planning Commission for a Conditional Use request. Ms. Stallings is willing to have the property rezoned to CR-1 L.U.O. Neighborhood Commercial to make it the actual designation changed within our Zoning Code to CR-1, with a Limited Use Overlay having the restrictions and conditions noted below. This would allow such uses; however, she would be obligated to satisfy the stipulations as recommended by staff and the requirements for setbacks within the CR-1 District. We have also listed threshold uses that relate to traffic which became a major issue in the original case within this area. The original conversation and concern came about

because there are certain types of uses such as a gas stations having 20 fuel pumps that may render a traffic study to be performed. This resulted in a need for access management and road improvement concerns that could have alleviated any detriments to the surrounding neighborhood. Stallings Lane at Red Wolf Blvd. has existing traffic issues and concerns. A sample motion was provided and the 4 conditions were read as recommend to City Council.
Public Input: None present.

Commission Deliberation:

Mr. Reece: Stated he sees no reason it should not be rezoned. We approved it once. If it is developed, we will see it again as a site plan, where we can deal with the issues of the folks within the area.

Commission Action:

Motion was made by Mr. Reece to approve the request and adopt the rezoning per the staff recommendations and stipulations, with a recommendation to the City Council as stated.

Motion was 2nd by Mr. Scurlock.

The motion PASSED with the following vote. Mr. Brian Dover voted Aye. The Vote was 6 to 0.

Aye: 5 - Paul Hoelscher; Ron Kelton; Beverly Nix; Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

14. Conditional Use

CU-14-03 CU 14-03: Conditional Use Case: 800 Southwest Drive

Mission Outreach of NEA, Inc. requests MAPC Conditional Use Approval for a Group Residential Use within an "R-2" Single Family District, for a proposed transitional and permanent housing to multiple-families on equipping residents with tools needed to succeed in life to be located at 800 Southwest Drive, formerly a nursing home.

Attachments: [Staff Summary Report](#)
[Application](#)
[Letter Of Intent](#)
[Mission Outreach Brochure](#)
[Reasonable Accommodation Ordinance](#)
[Property Plat](#)
[Facility Site Plan](#)
[Presentation Opposition](#)

Mr. Brian Dover voted Nay -- The Vote was 5 to 1.

Applicant:

Jamie Collins, Director of Mission Outreach : Ms. Collins introduced the case the MAPC stated that they are asking for the MAPC to transfer the previous Nursing Home Conditional Use to the Mission Outreach of N.E.A. They have been in existence for 32 years. They operate 5 physical plants (locations), 80 beds transitional living in their main facility in Paragould, AR. Ms. Collins

stated that Mission Outreach has a soup kitchen (3 meals per day), food pantry, and financial assistance in the form of homeless prevention and rapid re-housing to the community and they provide case management for Poinsett and Craighead Counties. Case management is provided to those individuals. They also operate a charitable medical clinic including a pharmacy and lab. Mission Outreach has also 4 other sites which provide permanent housing for handicap men, one provides transitional housing for men coming out of recovery and provides a safe place to transition into.

Ms. Collins stated that she was approached a year ago by some business men and church leaders in the community, to assist them in starting an operation here in Jonesboro. More recently, the City Council established a Jonesboro Task Force to deal with the impoverish needs and indigent homeless care needs of Jonesboro. That task force chose Mission Outreach to serve as the host agency. Mission Outreach had been looking for property for about a year and they found this piece of property around Christmas, which fully met all of our needs. It had a source of perpetual income to sustain while we establish a work there.

Mark Thurman, C.E.O. with Family's Inc. Counseling Service of Jonesboro. Mr. Thurman explained their role and relationship with Mission Outreach. He explained that Family's Inc. has an agreement with them in Paragould, with a contract for the behavior and mental health services of the residents in need. He explained that they are 100 % outpatient. Mission Outreach is not an in-house psychiatric facility. There is a big difference. Family's Inc. sees 7,000 patients around the Jonesboro community. These people are no different than the people around in the homes in this area. The only difference is that we have them in an environment that would be supervised if they need therapy. They are provided medication management, therapy. We just want to maintain or reach their fullest potential. They see other individuals in their homes or do an assessment and send them to an appropriate facility.

Kelly Davidson, Therapist with Mission Outreach since 2012. Stated that she truly enjoys here work and that she has had no issues out of the residents. Here clients are just like you and I, she added, with only circumstantial situations from time to time. It is a safe environment.

Dick Freer, member of First Presbyterian Church, a neighbor of Mission Outreach. He read a letter from Pastor Chris Jones, in his absence. The letter in summary stated that he is excited that an organization taking the needs of some of the most at-risk in our community seriously. Transitional housing, job training and outreach coaching goes a long way in helping individuals get back on their feet in the community in becoming self-reliant. Unfortunately, some in the community thinks this is a good idea, as long as it is not in their back yard. Some have spoke on behalf of 1st Presbyterian Church, without asking us what our concerns might be. The Session/Ruling body of the 1st Presbyterian Church in Jonesboro and the Mission Outreach Committee are not only in favor of the Mission Outreach services and programs; we are excited to be their neighbors and are planning a fundraising event on April 12, 2014.

Ms. Collins added that they have other agency partners such as the ASU Social Work Department, the Health Department, and the Rehab Department, in which this site will become a practicum (work-study) site for them. The will be

practicing both their medical and social work skills. She asked those in favor of Mission Outreach to stand (approx. 18 stood). Ms. Collins stated that in this facility, they are not looking to open an emergency shelter, although some individuals may come to Mission Outreach with a situation that may be an emergency to them. They are looking to provide transitional living and permanent housing for those that for whatever reason have not been able to stabilize their circumstance beyond their control. Stabilization is supervised 24/7. Ms. Collins stated that she has been with Mission Outreach for 17 years, and within that time, they have not have one physical incident, haven't have reports from their neighbors, because Mission Outreach is well staffed. They have 3 ½ staffed, enumerable volunteers in every aspects from the charitable clinic, to night supervision, cooking, fundraising, monitoring desks, and supervising individuals, tutoring, childcare, and a number of other programs.

Mr. Scurlock: Stated that he sat through the presentation at Rotary two weeks ago, and you mentioned that it would not be a soup kitchen? The place is remote and it would be hard to get traffic in and out of there three times a day. What are your thoughts on that?

Ms. Collins: We have brought numerable people to the table in this process with the task force. We have talked to them with favorable results about dividing the county and geographic zoning, and look at what the services are available in that community, and establishing one stop shops, in which Jonesboro is much larger than Paragould, in which Paragould is the one-stop shop. And we wanted to identify places for people to go; we looked at an online-system where everyone could be a part of that to end duplication and direct people to something near them in that neighborhood or zone area. We are not looking to re-invent everything that everyone else has. There are already organization around Craighead County that provides food and benevolent assistance and soup kitchen type meals. We would only want to be a part of the coordination of connecting people to the services.

Mr. Kelton: What are your hours of operation? Ms. Collin replied: 24/7. Individuals are housed at Mission Outreach 24/7 and some are allowed up to 2-years transitional years. 80% percent can resolve their needs within 45 days. Another 5 – 10% percent can resolve their issue within 90 days. The remaining up to 10% take a little longer because of physical or mental conditions or issue that requires a little longer training time. Curfew is 9 PM daily; no leaving unless you are leaving for a job until 6:00 AM.

Staff: Mr. Spriggs gave staff comments and summarized the report. The previous nursing home was considered a non-conforming use. Because the Nursing Home vacated the property in late 2012, the use became an expired grandfathered use in November, 2013. There are provisions in the code do allow for institutional uses to apply for a conditional use as group residential, in which this application is before you in the form of. Staff listed the criteria for conditional uses were provided which prevent adverse impacts on the community. Questions of impacts and screening of surrounding properties were evaluated. We provided the Commission with photographs which show that the facility currently sits at a lower depressed elevation.

There is commercial to the north and south of the property. There are subdivisions to the east and west. There are natural buffering conditions to the rear. The list of permitted uses and conditional uses were provided in the

report. The parking requirements were also listed. Staff had to raise the issue of fair housing, because Jonesboro has dealt with this issue in the previous King's Ranch case, where it related to group residential within a residential area. A copy of the Jonesboro reasonable accommodation ordinance was also provided. The letter of intent was sent to the Fair Housing Commission for review. They did not take official action or a position on the issue, because this is not a complaint or filing; however, the director Mr. Carol Johnson reported that from the letter of intent this falls in line with a request for reasonable accommodation. Issues were discussed amongst the departments, transportation was an issue from the Jet's perspective and they noted that the route in this area was cut. The Jonesboro Public School Superintendent did call and presented some immediate concerns, which were forwarded to Ms. Collins. Questions were raised on the number of school-age children that the facility will hold, the duration of stay, and the types and services that will be needed from an educational programming standpoint. Staff listed 5 possible conditions that should be addressed by the Commission contingent upon future input and deliberation of the Commission.

Adam McPike, 901 Milton Drive presented on behalf of the Opposition, a PowerPoint slide show. Good Intentions don't always mean Good Planning. We are in Ward 4. We have the lowest population of the poverty rate, and lowest jobless rate as compared to Ward 3 having the highest. Spoke on why the facility is going where there is no need. How are the people going to get there. Mr. McPike spoke on the budget proposed and the feasibility of property construction.

Americans with Disabilities Act ; are upgrades proposed to meet these requirements? Mr. McPike commented on entry ramps, showers, ADA, kitchen and restrooms compliance? Most of the current egress doors do not meet ADA, he added.

Site: Are provisions being made for exterior site lighting for safety? Operating costs for proper staff to oversee residence and security issues?? Utilities for a 44,820 s.f. building? Remodel for a 44,820 s.f. building? How is the surrounding neighborhood protected? The Paragould has numerous calls within the area of Mission Outreach through the police department. It will put a strain on our police department. Lighting photos were shown with darkness. Current condition is a breeding ground for crime against patrons, as well as, community neighbors.

Facility patrons (including children) crossing a 5-lane road with No crosswalks and vehicles traveling in excess of 50 mph.

Dawn McPike, 901 Melton Dr., submitted a petition to the Commission of 80+ signatures. She noted that she works as a sexual assault nurse examiner. Ms. McPike spoke on the issue of sex offenders registration and gave statistics on Arkansas having 170 unknown addresses of offenders. Arkansas does allow sex official to register Absconder.

Ms. McPike noted that she has 2 small children; how will we know if someone has that. It falls on the police department. NE Arkansas District 6 has the highest in the state. This is a fact. People are homeless because of Jessica's Law from Florida where a male convicted sex offender register moved in with his sister and didn't register and raped and killed her. Arkansas has adopted this. Fear is how you can tell me we will not have this.

Ms. McPike: Level 3 or Level 4 offender to reside within two thousand (2,000) feet of the property on which any public, private, secondary school or daycare facility is located. (First Presbyterian is 215 yards away). They have a day care and there are also children that live in the apartment complex behind it. How will you screen these people? How can you assure me that someone doesn't kick in my back door. This is based on 100 police report of Paragould Police reports of the areas surrounding the facility; maybe not the Mission itself. What happens when they get kicked out? Will the workers have background checks.

Melony Mooney, presented in opposition from the PowerPoint show. The school district had not been notified previously, Mr. Spriggs stated they were just notified. They may not be prepared to accommodate the children from the facility. The McKinney-Vento homeless Education Assistance Act requires school districts to designate a liaison, provide staff development, cover child's extracurricular activities and provide transportation to the child's school of origin, which may include up to 1 ½ hours of transportation. The school districts or tax payers must pay for this. Has this been explained? Local schools must include funding for this in their own budget; have the local schools been notified by Mission Outreach to begin finding this funding? Local schools must also disseminate public notice of educational rights; ensure that enrollment disputes are mediated; inform families and youth about transportation services and assist them in accessing transportation. Has Mission Outreach expressed this information and impact with local schools?

The children have heavy educational needs; they are transient and have emotional trauma. We are pulling from a 7-county area. Which could be as far as 1 ½ hours away, even from other states, thus needing transportation. The costs have to be assumed by our local school system. She noted she sent the ACT to the Commission.

Ms. Mooney: Noted the Fair Housing Act that was referred to. I stand to rebuked to say that this does not fall within Fair Housing Act. The Arkansas Fair Housing Commission works to enforce federal and state fair housing and fair lending laws.

With Act 1785 of 2001, the Arkansas Legislature declared that, "[t]he opportunity to obtain housing and other real estate without discrimination based on race, color, national origin, religion, sex, disability or familial status... is recognized and declared to be a civil right." The Arkansas General Assembly further recognized that, "the right to seek housing underlies the general public's ability to secure health, safety and welfare.

- The Fair Housing Act has been applied too broadly to facilities that are not dwellings within the statute of the law!
- The Fair Housing Act was designed to eliminate the discrimination that prevented the integration of American Society and to afford all Americans the equal opportunity to establish a HOME. Put simply the FHA was NOT designed to apply to institutions for which permanent residence is not the primary concern.

Ms. Mooney further commented on the Fair Housing Act:
In the United States Court of Appeals for the Ninth Circuit. No. 10-35519
Intermountain Fair Housing Council, et al., VS. Boise Rescue Mission, et al., March 1, 2011

The decision upheld a lower court's ruling that found the rescue mission wasn't subject to the federal Fair Housing Act.

The district court ruled on the ground that defendants' homeless shelters do not qualify as "dwellings" within the meaning of 42 U.S.C. 3602(b).
Sec. 802. [42 U.S.C. 3602] Definitions

As used in this subchapter--

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Clearly it's neither a home nor dwelling. People have a curfew; it is a shelter. I do not believe it is covered under the Fair Housing Act. Ms. Mooney raised the following questions:

- What is the real SCOPE of the proposed facility?
- Will \$500,000 be enough to renovate a 44,000 s.f. facility properly? Where is the funding source long term for the facility to work?
- Why locate this facility in an area of little need compared to other areas of city?
- Will the building meet code?
- How many staff are required to oversee 120 + patrons? Where do those that get turned away go, to our neighborhood?
- Why are the tax payers suffering for poor planning?
- Who pays for additional police activity as indicated by existing Paragould facility?
- Who assures protection /safety of nearby citizens, children, and pre-school?
- Health, Safety, and Welfare should be a Civil Right to ALL, including our neighborhood. Who can guarantee to us that this will not change?

Ms. Mooney added that 120 bed facilities are in the top 5% of shelters nationwide. Most limit at 49 or below. This will have an obvious impact on our school, and our community growth.

Mr. Harold Carter: Are there Federal regulations or laws that the MAPC has to follow regarding matters like these. Do you have any options here?

Ms. Carol Duncan: There are Fair Housing standards: some are arguing both sides. IT would have to be determined by the courts if it is challenged. We should always observe the standards and take it into consideration and avoid a violation of it. Kings Ranch made us more cautious. Mr. Spriggs stated that the City took a corrective action.

Andrea Tate spoke on behalf of her son (Knutte Tate) who started a foundation for homeless people and he volunteers at the homeless shelter. We looked at the property and it does not meet the needs of a homeless shelter because it is in a hole and in the lowest poverty rate area. WE would love for you all to help us locate it in Ward 3 where it is best situated and we can get funded. Ms. Tate stated that Knutte has worked too hard for this. He has received help and we have received lots of partners. I do not want to see his dream dies. There are sex offenders, but it doesn't mean they are all; and everyone deserves a second chance.

Paula Wewers, a business owner of Brushstrokes Art Frame Shop at 909 Southwest Dr. Nothing has been said about this is really not compatible with the area. This needs to service the area that it is in. Most of you- if you were raised here Southwest Drive has always been upscale shopping and homes. It will devalue our property and businesses. Anything that goes in there it needs to be a benefit at least to ¼ mile around the facility. I received a letter because I was within 200 ft. of the property. Others should have also received a notice. It's not just a monetary thing; it is a feeling of safety. She is not more concerned about the ones in the facility, but the ones the facility turns away.

Rev. Chris Jones, Pastor of First Presbyterian Church, lives at 3603 Lacouste Drive. One of the things First Presbyterian Church. We don't ever assume to speak for everyone, and we respect that everyone has different opinions. Not only do we celebrate but we want people to look at all of the issues and be clear as to why they are for or against anything. He spoke on the Church's partnership with Mission Outreach of 20 years of ministry. And we have looked at how they have made a differences in all of the services mentioned to the "least of these amongst us". The partnership of ministry is one of the high callings of all Christian disciples and meet an existing extraordinary need. Spoke on how many he has driven to the Paragould shelter in Paragould due to lack here in Jonesboro. He is thrilled with the opportunity for partnership to practice discipleship to provide need for shelter, job training, and meals. To able them back into the main stream.

Ms. Dianne Young, 905 Pinecrest, is a member and was married at First Presbyterian Church. She is a mother of two. Spoke on concern about the safety of young children. Molestation or damaging physically is an issue. This needs to be placed someone else other than close to the church. I feel I should be able to speak my own opinion. I want to be able to help people. That is not the thing in question. I feel like the issue is not that but how we are going to help them and are we going to do it wisely. We need to use wisdom when we make our decision.

Mr. Hoelscher: Asked about the facility itself...do they have to meet current code. Mr. Spriggs confirmed that codes need to be met prior to occupancy approval. Even the service questions and concerns raised need to be solved prior to that as well.

Rebuttal: Mr. Jeremy Biggs, Assistant Operations Director of Mission Outreach of NEA. Presented a small packet of information and read a letter from the Mayor with the City of Paragould, their largest proponents and supporter of the Ministry.

Transportation: Will they be on foot? Yes. We do own vehicles to provide transportation once they are a resident to the staffing agency and Work Force; and, to and from work. It was asked if we would bring in Green County residents? We have no plans for Green County residents. We want to more efficiently serve the 21 % who came from Jonesboro and Craighead County.

Budgeting/Funding and operations: \$500,000 for rehabbing is accurate. Budget proposal for both building costs involves detailed list is provided. Sex Offenders: Mission Outreach is a private 501c charity; and we make our own rules although the state may allow that. We have never allowed a sex offender to stay at our shelter. We do everything within 48 hours to screen the

residents through the A6 System. And we work closely with the Paragould Police Dept. We have already met with Lt. Todd Nelson who will work with us to screen the same process used to screen HUD here.

A map was included of register sex offenders that live near this area and it is not a new problem; it already exist and not because of Mission Outreach. The crime rate would go down if the occupant is in the now vacant building with increased license and the partnership with the Jonesboro Police.

School District Questions: We are concerned of when a family comes in and has children. And we want to place them in the school setting as fast as possible. Each school in the state has an assigned homeless liaison as it was mentioned. And to my understanding, there are no additional costs to these school districts. It is a counselor that is already in place and is paid by the district. Mr. Biggs stated that he provided information that there are a total of 221 homeless students in the Craighead System and we have confidence that they can meet the need that is already there.

The letter from the Police Chief of Paragould was read noting his support of Mission Outreach and their services to the homeless.

Domestic abuse and homelessness were further spoke on. The ADA regulations have been passed in the previous use and we will also meet the standards now up to VA standards and HUD codes. Yes it does have a capacity for 120 beds; but we will start with 30 -40 beds for the first 6 months; with a staff of 3 case managers and partnerships with ASU and others such as Family Inc. Volunteers (600 last year) at a given time can be from 2-10.

Mr. Reese: Did you look at other sites before this one? Mr. Biggs, yes we looked at some residential homes but they did not meet ADA.

Mr. Reese: What attracted you to this particular site?

Mr. Biggs: The five acres, the 4,400sq. ft. facility and the permanent housing 16 one-bed room units (will be a perpetual source of revenue to pay utility bills and overhead). Ms. Collins: Additionally, we chose this site, because it is not in an impoverished area. Research has shown that if you want to change a life then you have to take them out of their environment.

Ms. McPike asked if the director or any of you live next to the facility and know what it is like to be there day in and day out?

Ms. Collins responded: She was once homeless, a person who was once a drug addict; a person who was once a product of the mental health environment, she has lived in homeless shelters, and she has lived in her car; she has been at the mercy of those who would help her. What changed her life is that someone looked beyond the stereotype of who she was based on her behavior; but, they reached out and showed her how to go to school, how to maintain work, and showed her the things that were causing her to not go far. She did not create her life at that point; she grew up in 5 different homes, filled with all sorts of abuse. But, anything can be overcome, if the help is right that is there. Mr. Biggs stated that he does not live near the facility in Paragould but the neighbor next door and the one across the street have lived there for over 20 years.

Rebuttal: Ms. Mooney added that no one is criticizing the need; it needs to be in the area it serves. The research of 40 persons is who you need to rehabilitate. She explained why you have to keep the numbers limited. She

also spoke further on the crime rate which is statically higher in impoverished areas.

Mr. Spriggs asked Ms. Collins to respond to the School Superintendent's questions.

Ms. Collins: Stated that Mission Outreach provides life skills classes that are accomplished through retired teacher volunteers and counselors. They also have a program called stable; with volunteers called "B" teams- 3 to 8 individuals who form a team that Missions assigns a family to that work with the children on academics. There are always teachers and business leaders in those groups that work with them. They provide case managers and therapists 3 to 6 months as they move out. Their return rate is less than 12%.

Mr. Biggs: Case managers and therapists do work with the district counselors and they provide transportation to and from. Ms. Collins: we would be serving Craighead County not Blytheville.

Mr. Dover asked about busing kids to Blytheville. Ms. Collins stated that she has never heard of that.

Mr. Dover: the children in your Paragould shelter go to school in Paragould?
Ms. Collins: Yes.

Mr. Dover: Will it be kids from 7 counties? Ms. Collins, less than 30 % come from the outside areas.

Mr. Hoelscher: Commented on the discussion of no incidents. Ms. Collins: We do not tolerate that. They have not had a population with that problem. They screen and work with the Paragould Police. The problem is the apartment complex adjacent.

Mr. Hoelscher: Asked is a there a program for security for women who has been abused? Ms. Collins stated that they work closely with the Women Crisis Center. When there is a risk we find an alternative safe place.

Mr. Dover: Have you managed a facility this large? Ms. Collins: 80 beds is the largest we have had. We also have 4 additional individual homes with 3-4 bedrooms in each home.

Mr. Dover: How do you segregate the population in each home? Ms. Collins: We use the dorm approach. Mothers with children and single women have their complete separate residence; single men, etc. Common meeting areas are provided.

Mr. Dover: Sex offenders screening: What do you do if they come back and you run a check and they are? They are not allowed stay; there is a facility in Texas that will take them. There is a Paragould officer that specifically handles that. In the last year we have turned away less than 6; 100% less than 10. She gets an email from the police of anyone that comes in the area.

Mr. Dover asked about curfew: Violations of curfew are not allowed after 9 PM. Usually they do not come back after 9:00 PM.

Mr. Hoelscher: During the day are they allowed to come and go as they want?
Ms. Collins: Everyone employable must register with the employment

agencies. We provide that transportation. Many have counseling and go to school. They are not force to stay in the building.

Dee Pillow: She lives behind Outback: She commented on the Mission Outreach purchasing the property without zoning approval. Ms. Collins explained that they were told that it was already zoned for it.

Shirley Andrews, 805 Southwest Dr. That is not a suitable site for the use. Spoke on child safety and calls to the police across the street.
Staff: Mr. Spriggs read the staff recommended conditions.

Mr. Hoelscher: Asked about the nonconformancy expiration? Mr. Spriggs reiterated the expiration elapse. Had it not expired, the BZA could have transferred the nursing home use to the Mission Outreach use. The applicant was provided due process to pursue the Conditional Use as an option or a rezoning.

Mr. Hoelscher: If the conditional use were approved and issues or problems in the future, can it be revoked? Mr. Spriggs explained the condition of a 2-3 year renewal requirement to deal with any concerns or adverse impacts.

Mr. Hoelscher: Asked about the fair housing issue. Do we have someone saying that we have to allow this because of the FHA.

Mr. Spriggs: Replied no. Staff is only cautioning the Commission that we consider the request and deal with all of the issues and be aware of the Fair Housing issue.

Mr. Spriggs: Asked for the opposition to stand and be counted: 21 people stood. The petition of signatures was also recognized.

Mr. Spriggs: Asked about the security lighting and site lighting mentioned. Ms. Collins stated that there is security lighting and we are working with Todd Nelson to suggest other safety lighting.

Mr. Spriggs: Are there any additional fencing planned for the site. Ms. Collins: there is already fencing and Mission Outreach has a play area already fenced in.

Mr. Dover: Do you dispense medication? Ms. Collins: Everyone living there, must release them and we keep them in a locked area.

Mr. Kelton offered a suggestion on No. 4 for the 3-year review be changed to 1 year, and that they report back to Staff with Police report or any adverse impact reports. All commissioners agreed. The commission would then determine the future required intervals.

Commission Action:

Mr. Kelton made a motion that we place Case: CU 14-03 on the floor for consideration as a Conditional Use for a group residential use within an R-2 Multi-family District. The Commission finds that the use is compatible and suitable with the zoning, uses, and character of the surrounding area subject to the amended 4 Staff conditions. Motion seconded by Mr. Scurlock.

Vote: Mr. Scurlock- Aye; Ms. Nix- Aye; Mr. Hoelscher- Aye; Mr. Reese- Aye; Mr.

Dover- Nay; Mr. Kelton- Aye. 5-1; Conditional Use granted.

Aye: 5 - Paul Hoelscher;Ron Kelton;Beverly Nix;Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

8. Staff Comments

COM-14:028 Approval of MAPC Bylaws.

A motion was made by Jim Scurlock, seconded by Paul Hoelscher, that this matter be Tabled . The motion PASSED with the following vote. Mr. Brian Dover voted Aye. The Vote was 6 to 0.

Aye: 5 - Paul Hoelscher;Ron Kelton;Beverly Nix;Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

COM-14:029 MAPC PUBLIC HEARING SCHEDULE

Attachments: [MAPC Public Hearing Schedule 2014 Rev022514](#)

A motion was made by Jim Scurlock, seconded by Paul Hoelscher, that this matter be Approved . The motion PASSED with the following vote. Mr. Brian Dover voted Aye. The vote was 6 to 0.

Aye: 5 - Paul Hoelscher;Ron Kelton;Beverly Nix;Jerry Reece and Jim Scurlock

Absent: 1 - Kim Schrantz

Excused: 1 - Joe Tomlinson

9. Adjournment

RES-14:027