



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes - Final Metropolitan Area Planning Commission

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Tuesday, February 14, 2017

5:30 PM

Municipal Center

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### 1. Call to order

[play video](#)

### 2. Roll Call

[play video](#)

**Present** 8 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent** 1 - Rick Stripling

### 3. Approval of minutes

[play video](#)

**MIN-17:011**

Approval of the MAPC Minutes from January 24, 2017 meeting.

[play video](#)

**Attachments:** [MAPC Meeting Minutes from Tuesday, January 24, 2017](#)

**A motion was made by Jimmy Cooper, seconded by Jerry Reece, that this matter be Approved. The motion PASSED with the following vote:**

**Aye:** 7 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent:** 1 - Rick Stripling

### 4. Preliminary Subdivisions

[play video](#)

**SP-17-03**

Site Plan Review: 2931 Parkwood Road - Proposed Restaurant - Storyline Development, LLC

Michael Boggs of Tralan Engineering on behalf of Storyline Development, LLC is requesting MAPC approval of a Site Plan for a 4,150 square feet New Restaurant Building on the old Fairgrounds Property under the Floyred Commons Subdivision of Replat of Lot 5R-2 and Lot 9R Floyred Commons. The development will be on lot 2 that measures 52,304 square feet on a C-3 General Commercial District.

[play video](#)

**Attachments:**     [Site Plan](#)  
                                 [FloyRed Plat](#)

**APPLICANT:** Mr. Michael Boggs requested MAPC approval of a site plan for a new restaurant on the old fairgrounds property under the Floyred Commons Subdivision. This lot is zoned C-3 General Commercial District.

**ENGINEERING:** Mr. Michael Morris pointed out this development had two driveways but now they have combined them into one driveway at the request of city staff.

**COMMISSION:** Mr. Kevin Bailey asked if there would be cross access between the parking at Wings To Go and the new parking lot being built.

**APPLICANT:** Mr. Boggs said there would be no cross access.

**PUBLIC:** NO COMMENTS.

A motion was made by Jim Scurlock, seconded by Brant Perkins, that this matter be Approved. The motion **PASSED** with the following vote.

**Aye:** 7 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent:** 1 - Rick Stripling

**5. Final Subdivisions**

[play video](#)

**6. Conditional Use**

[play video](#)

[CU-16-17 2](#)

Conditional Use: CU 16-17: 2404 E Matthews - Self Service Laundry Mat

Chris Kidd is requesting MAPC approval of a Conditional Use for a Self-Service Laundry within the I-1 Industrial District, which is required for retail uses within Section 117-139 Code. This is located at 2404 E. Matthews. This is being turned back to MAPC from Council for reconsideration.

[play video](#)

**Attachments:**

[Application](#)  
[Staff Summary](#)  
[Adjoining Property Owners Notifications](#)  
[Conditional Use Letter](#)  
[USPS Receipts](#)  
[USPS Returned Cards](#)  
[200 ft mailing](#)  
[Aerial View](#)  
[New Trends in Laundromat Industry](#)  
[Laundrymat Facility Plans](#)  
[Final Signed Application](#)

**APPLICANT:** Mr. Chris Kidd requested a conditional use from the MAPC to operate a self-service laundry mat in an I-1 Industrial District. This conditional use originally was approved but was eventually turned back to the MAPC from City Council for reconsideration.

**ATTORNEY:** Mr. Don Parker represented Mr. Kidd for this request. Mr. Parker explained why this case was back before the MAPC. There were technical deficiencies with this request the first time it went before the MAPC. Although it was approved the first time it was presented before the MAPC, the adjoining property owners appealed this decision to the City Council. The City Council decided to send this request back to the MAPC in order to fix the technical deficiencies found with this case the first time it went before the MAPC.

**STAFF:** Mr. Derrel Smith reiterated the situation to the MAPC at the request of Mr. Parker. There were three deficiencies pointed out during the appeal to City Council:

1. The owner of the property did not sign the application.
2. The property owner notifications were not sent to everyone with the 200-foot radius.
3. The stipulation were not clearly listed in the motion and they were not listed in the minutes for the meeting.

Mr. Smith stated that these issues have been addressed. The property owner has now signed the application. The Planning Department has notified the property owners within 200 feet of the proposed conditional use. Regarding the stipulation, the motion will be clearly stated and any stipulations attached to this requested will be in the minutes for this meeting.

ATTORNEY: Mr. Parker asked Mr. Smith what the stated conditions were from the first time this request was before the MAPC for consideration.

STAFF: Mr. Smith said the following conditions were mentioned during that meeting:

1. The hours of operation were going to be 6am-11pm. The facility could be open between 6am and 10pm with an additional one hour to allow individuals to finish their laundry and leave.
2. Lighting had to meet city code.
3. The entire development should meet city code.

ATTORNEY: Mr. Parker asked Mr. Smith to make clear all technical deficiencies had been corrected by city staff.

STAFF: Mr. Smith said yes they had been corrected.

ATTORNEY: Mr. Parker went on to point out he was not present the first time this went before the MAPC.

ATTORNEY FOR OPPOSITION: Mr. Bobby Gibson spoke in opposition to this conditional use. He represented the Stallings Family who filed the appeal. Mr. Gibson said they made technical arguments that needed to be fixed but all they are asking the MAPC to do this time around is handle this the right way. There should be no need for technical arguments if everything is handled the right way and the Commission does everything the ordinances asked them to do. They are to make a reasoned decision after taking in all of the information that is available to the Commission.

Mr. Gibson pointed out a couple of things from the ordinances that he felt like applied to this case. First, the conditional use process requires the MAPC to have a heightened concern. This is not business as usual. There is a reason the requested use is a conditional use. Second, they should take special attention to matters such as ingress and egress, parking, pedestrian way safety, attractiveness, and the proper relationship of different uses. Landscaping, screening and other buffers may be required. The request should be compatible and not adversely affect other properties. In Section 117-99 it promotes the use of site plans for that purpose. It is difficult to determine ingress and egress, parking and other matters without a site plan. Mr. Gibson went on to point out sanitation and drainage should also be considered. He felt like this was an important issue. He addressed the parking that was shown on the drawing provided with the application. He felt like parking should be determined based on the number of washers in the facility rather than the facility's total square footage. He suggested requiring the applicant to have one parking space for every two washers. He also felt like if the MAPC made a decision based off promises that were made by Mr. Kidd, those promises should be included in the conditions attached to this request. For example, Mr. Kidd promised they would install a security system at their facility to address any safety concerns. However, it was never made a condition that Mr. Kidd be required to install a security system. He thought parking spaces, number of washers, and the security system should be conditions attached to this request.

Mr. Gibson went on to state that drainage was a big issue that was not reflected on the drawing provided by the applicant. He went on to explain that

there was a dispute currently going through the court system regarding the boundary line in-between Mr. Kidds property and the Stallings property. If the Stallings prevail in that litigation it could change how the proposed laundry mat would sit on the property. It could impact the building and parking. There is a ditch that sits in the land being disputed. The ditch serves as a natural drain and it could impact how water drains off the Stallings property.

Mr. Gibson said the Stallings still feel like this is a bad place for a laundry mat. However, if the MAPC does decide to go ahead and grant a conditional use for this laundry mat they would like for them to do two things. First, they would like the MAPC to pause and ask the Kidds to present their site plan before any decision is made. They would also like to know the number of washers being installed in the building. They would also like to know what kind of security system is going to be installed. He also pointed out the Kidd application was not submitted to the city until January 19, 2017. The deadline for the current MAPC meeting was January 17, 2017. Having applicants submit applications two days after the deadline is a dangerous thing to do. He also wanted to make sure all the conditions were listed in the minutes so property owners could go back and see the conditions that were attached to this request.

COMMISSION: Mr. Cooper asked Mr. Gibson how long it would take for the property line dispute to go through the court system.

ATTORNEY FOR OPPOSITION: Mr. Gibson said it could take 6 to 8 months.

COMMISSION: Mr. Cooper said he felt like the MAPC could not make a final ruling on this until the lawsuit is settled.

CITY ATTORNEY: Ms. Carol Duncan, disagreed with his statement. She felt like the MAPC could go ahead and make a decision regarding the Conditional Use. Any problems that may arise regarding development of the property would be risk the developer would have to take if they decided to build before the property line dispute was settled. She also pointed out that it could be one year or more before this case gets a hearing in circuit court.

COMMISSION: Mr. Perkins asked Mr. Gibson asked if the dispute was for the property line on the East side of the Kidd property.

ATTORNEY FOR OPPOSITION: Mr. Gibson said that was correct. Mr. Gibson went on to point out that the drawing submitted by the applicant shows a fence going right up against the Stallings building. He also pointed out that the sewer line is in the disputed property.

COMMISSION: Mr. Perkins asked Mr. Gibson how it would impact the Kidd development if the Stallings were to win their property line dispute in court.

ATTORNEY FOR OPPOSITION: Mr. Gibson said it could impact the setbacks.

COMMISSION: Mr. Perkins asked Mr. Gibson if he felt like the Jonesboro City Ordinances required a site plan be submitted for a Conditional Use request.

ATTORNEY FOR OPPOSITION: Mr. Gibson said no it did not but it did say the MAPC should take in all the information they could before they made a decision. One way to take in more information is using a site plan but it is not

a requirement.

**APPLICANT:** Mr. Don Parker addressed the MAPC. He responded to Mr. Perkins question. First, the Kidds do not believe they will lose the property dispute in court. Second, even if they do the building will still fit on the property with the required setbacks. The building will fit. All of the parking required by code will fit. Everything will fit even if they lose their property dispute. Mr. Parker also pointed out that the MAPC would have a chance to review the site plan at a later date because this property is zoned I-1.

There were a couple of other things Mr. Parker wanted to point out to the Commission. First, the properties on either side of Mr. Kidds property is zoned I-1. Although they are zoned I-1 they have retail uses. Retail uses are not permitted within I-1 zonings and there is no Conditional Use on file with the City. All of the tenants operating retail businesses on the Stallings property are operating on the property illegally. They are not operating with a Conditional Use permit. He also pointed out there are several other developments allowed under I-1 zonings that could operate 24 hours a day: ATM's, carwashes, cemetery, communications tower, an RV park, mini storage facility, etc. The applicant could build any of these developments on this property without having to get a Conditional Use permit.

Mr. Parker asked Mr. Smith to clarify the deadline issue regarding Mr. Kidd submitting his application on January 19, 2017 rather than January 17, 2017.

**STAFF:** Mr. Smith explained that the 17th deadline was an old requirement when the MAPC would only meet once a month. That date has not been removed yet but the Planning Department has accepted application up to the date they are required to be put in the Jonesboro Sun for the publication deadline. This was not a special exception made for just this one application. This practice has been done in the Planning Department before.

**COMMISSION:** Mr. Perkins asked Mr. Parker his take on the drainage issue.

**APPLICANT:** Mr. Parker stated that Mr. Kidd would not be able to get a building permit unless he address the flood water issues with this development. All drainage issues will have to be addressed before Mr. Kidd can pull a building permit.

**COMMISSION:** Mr. Kelton asked Mr. Kidd if he had a problem with the Commission placing a limit on the number of washers and dryers that could be placed within the building.

**APPLICANT:** Mr. Kidd said that he did. He would like to be able to put one in if he feels like that would be a good business decision. He would like the ability to make business decisions and placing a limit on the number of washers and dryers that could go into the facility would limit his ability to make those type of business decisions. Mr. Kidd did say that he could not imagine putting more units in the building if the parking lot was full and people could not get to his facility to use them.

**COMMISSION:** Mr. Kelton asked Mr. Kidd what the maximum number of washers and dryers that could be installed in the building.

**APPLICANT:** Mr. Kidd said he did not know. At the first meeting Mr. Kidd said he thought it would be 28 washers and 32 dryers. Since that time he went back and looked at the plans and it appears those numbers would be 24 washers and 26 dryers. However, two years down the road if Mr. Kidd feels the need to put two more washers in the facility he would like to have the flexibility to be able to do that.

**COMMISSION:** Mr. Kevin Bailey suggested the security system be added as one of the conditions.

**COMMISSION:** Mr. Roberts asked Mr. Kidd to talk about his security system.

**APPLICANT:** Mr. Kidd said that he could not give the name and model. There will be cameras inside the building and he will be able to watch those cameras on an electronic device. There will also be motion sensors. He also said that some of the features may change as technology changes.

**COMMISSION:** Mr. Roberts asked if Mr. Kidd would have remote control of all the doors.

**APPLICANT:** Mr. Kidd said yes they would be magnetic locks on the doors.

**CITY ATTORNEY:** Ms. Carol Duncan asked if it would be fair to summarize that by saying there would be 24-hour surveillance by a security company and/or you via camera and video monitoring.

**APPLICANT:** Mr. Kidd said that he would not be watching the video camera's all day but he would have the ability to do so if need be. He went on to say there would be 24-hour video surveillance that would allow him to remotely access those cameras if he needed to. There will also be motion sensors in the building that will go off if someone goes in the building after hours.

**COMMISSION:** Mr. Cooper asked if the conditions attached to this conditional use will transfer if he sells the property.

**CITY ATTORNEY:** Ms. Carol Duncan said the conditions will go with the property if they are part of the conditional use.

The following are conditions attached to this conditional use:

1. Hours of operation are from 6am-11pm (facility will close at 10pm; 10pm-11pm will allow customer time to finish their clothes and leave the facility).
2. The parking lot lighting must meet all city codes.
3. The development must meet all city codes.
4. That upon issuance of the Zoning Permit Approval, all other building permit and other permits and licenses required locally and statewide be applied for and obtained by the applicant.
5. A camera and motion censored security system with the ability to monitor 24 hours a day by either the owner or the security company.
6. All the conditions will transfer with the ownership of the laundry mat.

A motion was made by Jim Scurlock, seconded by Kevin Bailey, that this matter be Approved. The motion PASSED with the following vote.

**Aye:** 7 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent:** 1 - Rick Stripling

## **7. Rezonings**

[play video](#)



[RZ 16-28](#)

RZ 16-28: 1917 Kellers Chapel Road - 1.67 Acres of Land requesting R-1 and C-3 to RM-8 - Devon Scott

George Hamman of Civilogic on behalf of Devon Scott is requesting MAPC approval of a Rezoning from R-1 Single Family Residential District and C-3 General Commercial District to RM-8 Residential Multi-Family Classification; eight units per net acre, includes all forms of units, duplexes, triplexes, quads and higher with a Limited Use Overlay for 1.67 Acres of land located at 1917 Keller's Chapel Road.

[play video](#)

**Attachments:**      [Application](#)  
                                 [Staff Summary](#)  
                                 [Rezoning Plat](#)  
                                 [Site Plan Layout](#)  
                                 [Map of Location](#)  
                                 [Photos of Property](#)  
                                 [Petition Signatures](#)  
                                 [Pictures of Rezoning Sign](#)

**APPLICANT:** Mr. George Hamman requested MAPC approval for a rezoning from R-1 Single Family Residential and C-3 General Commercial to RM-8 Multi-Family Residential. This zoning would allow up to eight units per acre, including all forms of units, duplexes, triplexes and quads and higher. They also requested a Limited Use Overlay for this rezoning.

Mr. Hamman stated they had this request on the previous agenda but had requested the wrong classification at that time so they withdrew it. They fixed that issue and are now back asking for a rezoning to RM-8. There was an article in the paper that had a misprint in it but the paper has since issued a correction.

Mr. Hamman presented the history and the applicants' connection to the property. The property has been in the applicants' family since before her birth. Her father and uncle were raised in the existing house. The applicant has purchased the property from her family and is now the owner. Facing Kellers Chapel Road, the Master Street Plan recommends this road as a Collector; a three lane road with a turning lane in the middle. The applicant would like to turn this into something more valuable. Some of this property is C-3 and the applicant could use this area to build something less desirable than duplexes. It could be used as a pawn shop, used car lot, a kennel, ect. This request actually enriches the prospects of what the property could actually be used for. They originally were requesting 16 units but later on reduced that number down to 12 units. That allows them to maintain the moderate density recommended by the Lane Use Plan. The applicant has always intended to screen the property from the surrounding properties and fencing will be a part of the site plan. The applicant is aware of how much money it will take to extend the sewer line.

Mr. Hamman went on to address the staff report. Of the seven rezoning criteria six of them are in compliance. The only one not in compliance states that it does not go with the surrounding properties. Based off how some of the surround properties look, this proposed development would improve the area while also providing a transition zone between the C-3 zoning to the East and the R-1 zonings to the North and West. In addition to this, the applicant requested for this to be a Limited Use Overlay. They have reduced the uses to residential use only. All of the units will be duplexes. There will only be 12 dwelling units on the property. There is also an option for them to build a single car garage for the applicant to store tools in so they can maintain the property. There is a condition listed in the staff report that requires the final site plan to be approved by the MAPC so the site plan will come before the MAPC again for final approval. The building will have low maintenance siding and each unit will have a one car garage. The owners will be doing their own maintenance to the structures. This development is not intended to be a low-income housing development of any sort. The target rent for the units will be \$900 dollars per month. However, they will not discriminate against any applicants. This will be a fair housing development.

Mr. Hamman also addressed the concerns that were brought up at the first meeting. There were some questions raised by the opposition that the applicant did not notify certain individuals. While the rezoning process is currently being reviewed, the current requirements were all completed and done within a timely manner. The applicant has a sentimental tie to the property and a willingness to invest in the property. The applicant also stressed they would leave as many of the trees on their property as possible. Regarding traffic, the development is several hundred feet away from the oppositions address. The applicant believes any traffic generated by this development would not drive in front of the opposition's house. There was also concern about open space in this development. The reduction from 16 units to 12 units will allow the applicant to provide addition open space. They want this to be an attractive development.

Mr. Hamman also addressed the petition submitted before the meeting. The petition had 42 signatures that represented 29 pieces of property. Of those twenty-nine pieces of property, seven of them were three or more miles away from the proposed development.

STAFF: Mr. Derrel Smith presented staff comments. They do meet six of the seven criteria for a rezoning. It does not match what is out there but it will provide a buffer.

The planning department recommended approval with the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the

MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

PUBLIC: Mr. Don Roach was at the meeting to voice his opposition to the rezoning request. He was the individual behind the petition that gathered 42 signatures. He said all of the people to sign the petition were members of the community. Those that were not from the surrounding community were members of a nearby church and they use Kellers Chapel Road to get to their church. He said he did not find one single person who supported this development. He felt like this development would increase traffic and water runoff from this site. Some people in the surrounding area were not aware this rezoning request had been submitted with the city. He also felt like this was spot zoning. He is completely against spot zoning and this rezoning request.

PUBLIC: Ms. Leann May was also at the meeting to voice her opposition to the rezoning request. She also felt like the applicant would not get \$900 dollars per month for a duplex. She is also afraid this development may start off really nice but will eventually end up trashed. She thinks her home value will be reduced by half.

PUBLIC: Mr. Michael May was also at the meeting to voice his opposition to the rezoning request. His main concern was water pressure. He wanted to know where the water would come from once this land was developed. He was afraid it would lower his water pressure even lower than it current is. According to him, he barely has enough water pressure to wash his car.

ENGINEERING: Mr. Michael Morris from the Engineering Department said the applicant would be responsible for providing water to the property.

PUBLIC: Mr. Roach stated again that he went to as many houses as he could. He felt like he could have had another 100 signatures if he could have gone to all of their houses. He asked the MAPC to not disappoint all of the individuals in the surrounding neighborhood just to please one person.

APPLICANT: Ms. Devin Scott, the owner of the property, spoke to address some of the concerns. She felt like removing the current house that is located on the property would actually improve the area. If she owned a quarter of a million dollar house she would not want to drive by that old house every day. Also, Ms. Scott said she spoke with the adjoining property owners and none of them were against it. She felt like her proposed development would improve the area. She said she would make her development look really nice.

PUBLIC: Mr. Roach said when he spoke with the Godwins, one of the surrounding property owners, they were under the impression this development would only have three units.

COMMISSION: Mr. Kelton asked Mr. Smith if this was spot zoning.

STAFF: Mr. Smith pointed out there was a sign on the property stating the rezoning request. Second, he explained the growth map shows this to be moderate density. Eight units per acre is considered moderate. Half of this is already zoned C-3. It does meet the Land Use Map recommendation but there are no multi-family zonings in the area.

**COMMISSION:** Mr. Kelton pointed out that if it benefits the community and the community wants the development it usually is not considered illegal. However, if the community is against it and it does not benefit the community it will be considered illegal. He asked Ms. Duncan to express her opinion on the issue.

**CITY ATTORNEY:** Ms. Duncan presented the definition of spot zoning. She said it is consistent with the Land Use Plan. She said they would need to look at everything around it and make the determination regarding whether or not it is consistent with the cities master plan and the current zonings around it. This land is more consistent with some properties more than others in the area.

**COMMISSION:** Mr. Reece provided his opinion to the Commission. He could see where people would not want this in their neighborhood and it being spot zoning. His major concerns was that if they rezone this property they would not be able to tell the next person no. It would open the door for more multi-family in the area.

**COMMISSION:** Mr. Perkins asked how half of the property became zoned as C-3.

**APPLICANT:** Mr. Hamman said this was rezoned when the proposed mall was being rezoned. At that time the applicants dad decided to rezone some of their property for commercial use. This was done around 2002 or 2003. The commercial property is large enough to put some type of commercial development on that lot.

**COMMISSION:** Mr. Kelton pointed out that a majority of the lot is zoned C-3. He also pointed out the corner lot is for sale as a Commercial property. He also pointed out the driveway for this development is around 800 square feet away from the intersection of Kellers Chapel Road and Southwest Road.

**PUBLIC:** Mr. Mays wanted to know where other multifamily property was located at in this area.

**STAFF:** Mr. Smith pointed out that one of the lots to the south was zoned for multifamily development.

**PUBLIC:** Ms. Sherry Maloan asked if the Commercial property at the corner lot was facing Southwest Drive or Kellers Chapel Road. She feels like Kellers Chapel Road is a residential road and Southwest Drive was more of a commercial road.

**ENGINEERING:** Mr. Michael Morris from the Engineering Department said the development would have to address their drainage problems before a building permit can be issued.

**COMMISSION:** Mr. Kelton also asked Mr. Hamman if this development would adhere to the Fair Housing Act.

**APPLICANT:** Mr. Hamman said that this development would adhere to the Fair Housing Act and there will be no discrimination regarding who can live in the houses.

The following conditions were attached to this rezoning request:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. This development will be duplexes only.
6. There will low maintenance to no maintenance masonry finish on the exterior of the building.
7. One car garages show be provided on all units.
8. There will be a maximum of 6 duplexes on the property (maximum of 12 units).

A motion was made by Kevin Bailey, seconded by Jim Scurlock, that this matter be Recommended to Council. The motion PASSED with the following vote.

**Aye:** 6 - Paul Hoelscher; Ron Kelton; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Nay:** 1 - Jerry Reece

**Absent:** 1 - Rick Stripling

[RZ-17-01](#)

RZ 17-01: 806 W. Johnson - 100 square feet of Land - R-1 to I-2 - ROC Outdoor

Zach Beliew owner of ROC Outdoor, LLC (Billboard Owner) on behalf of Jim Scurlock of Scurlock Holdings is requesting MAPC approval of a Rezoning from R-1 Single Family Residential District to I-2 General Industrial District for 100 square feet of land that he rents that is located at 806 W. Johnson Avenue. This property has a billboard and to conform to State Regulations the zoning has to be changed.

[play video](#)

**Attachments:**     [Rezoning Application](#)  
                              [Staff Summary](#)  
                              [Rezoning Plat](#)  
                              [Arkansas State Highway Letter](#)  
                              [Map](#)  
                              [Zoning Letter](#)  
                              [Map Location](#)

**APPLICANT:** Mr. Zach Beliew requested MAPC approval of a rezoning at 806 West Johnson from R-1 Single Family Residential to I-2 General Industrial District. The applicant has a billboard on this property and has to rezone this property from R-1 to I-2 in order to conform to State Regulations regarding billboards. He explained that he needed to get 100 square feet rezoned so he can keep the sign on the property. The billboard has been there since 2004. It has always had a permit. It is 10 feet from the I-2 line. It has never been moved and nothing has changed. They have no intention to move the sign or do anything else with it. Nothing has been changed or done. This rezoning is a state requirement.

**STAFF:** Mr. Derrel Smith said the State requires they be in an industrial area rather a residential area. This is compatible with the Land Use Plan.

The city recommends approval with the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

A motion was made by Jimmy Cooper, seconded by Brant Perkins, that this

matter be Recommended to Council. The motion PASSED with the following vote.

**Aye:** 6 - Paul Hoelscher; Ron Kelton; Jerry Reece; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent:** 1 - Rick Stripling

**Abstain:** 1 - Jim Scurlock

[RZ-17-02](#)

RZ 17-02: 719 Southwest Drive - .28 Acres - R-1 to C-3 - Mitra Delshad

Mitra Delshad is requesting MAPC approval of a Rezoning from R-1 Single Family Residential District to C-3 General Commercial District for .28 acres of land located at 719 Southwest Drive.

[play video](#)

**Attachments:**      [Application](#)  
                                 [Staff Summary](#)  
                                 [Rezoning Plat](#)  
                                 [Plat of Marlo Acres](#)  
                                 [Overview of Zoning](#)  
                                 [Map Location](#)  
                                 [Commercial Zoning](#)

**APPLICANT:** Ms. Mitra Delshad requested MAPC approval of a rezoning from R-1 Single Family Residential District to C-3 General Commercial District for property located at 719 Southwest Drive. The applicant wants to rezone the property because it is in a heavy traffic zone and the master plan does call for this lot to be commercial.

**STAFF:** Mr. Derrel Smith presented staff comments. It does meet five of the seven criteria for a rezoning. It currently has a house on the lot. The has been a house for several years. However, it does meet the Land Use Plan for high intensity commercial. The city recommended the rezoning with the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

**PUBLIC:** Mr. Been Blankenship was at the meeting to voice his opinion on the rezoning. He lives behind the proposed rezoning. He would not want to see a convenience store, any two-story building or a restaurant on the property. The applicant said they would like to put office space on the lot. The lot is not big enough to put a restaurant or convenience store. Mr. Blankenship also pointed out their fence was not on the property line. Some of the property on the other side of their fence also belongs to them.

**PUBLIC:** Mr. Steve Brewter also voiced his opinion on the rezoning. He would like to see something put there with a low profile. People have spent a lot of money on their houses and they would like to see their investment protected.



**PUBLIC:** Ms. Donna Brister was at the meeting to share her opinion on the rezoning. She wanted to keep the residential feel to the neighborhood. She also pointed out that if people have problems turning into their driveways off Southwest Drive it would be just as difficult for customers to pull into the commercial development.

**APPLICANT:** Ms. Mitra Delshad said that she asked the next door neighbors and they had no objections to this rezoning. People do not want to rent the house because it is hard to get in and out of the driveway and kids cannot play in the front yard.

**STAFF:** Mr. Derrel Smith said they might consider rezoning this property to C-4 but that would have to be something agreed to by the applicant.

After presenting the allowed uses in a C-4 zoning, the applicant decided to change their request for a rezoning from C-3 General Commercial to a C-4 Neighborhood Commercial District with a Limited Use Overlay.

Animal Care, Limited  
ATM  
Bank or Financial Intuition  
Bed and Breakfast  
Daycare Limited  
Daycare General  
Library  
Medical Services Office  
Museum  
Office General  
Safety Service  
Utilities Minor

The city recommends rezoning this property to C-4 L.U.O. allowing the following permitted uses and conditions:

Animal Care, Limited  
Automated Teller Machine  
Bank or Financial Intuition  
Bed and Breakfast  
Daycare Limited  
Daycare General  
Library  
Medical Services Office  
Museum  
Office General  
Safety Service  
Utilities Minor

The applicant asked for vocational schools to be conditionally allowed.

**STAFF:** Mr. Derrel Smith agreed to this. This was listed as a conditional use.

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted,

reviewed, and approved by the MAPC, prior to any redevelopment of the property.

3. Any change of use shall be subject to Planning Commission approval in the future.

4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

A motion was made by Jim Scurlock, seconded by Jimmy Cooper, that this matter be Recommended to Council. The motion PASSED with the following vote.

**Aye:** 7 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent:** 1 - Rick Stripling

[RZ-17-03](#)

RZ 17-03: 2319 Congress Cove - 4.15 Acres of Land - R-1 to C-3 - Kelly Pope

Travis Fisher of Tralan Engineering on behalf of Kelly D. Pope owner of Green Grass Investments, LLC is requesting MAPC approval of a Rezoning from R-1 Single Family Residential District to C-3 General Commercial District for 4.15 acres of land located in the back of 2319 Congress Cove.

[play video](#)

**Attachments:**     [Application](#)  
                              [Staff Summary](#)  
                              [Rezoning Plat](#)  
                              [Map Location](#)

**APPLICANT:** Mr. Michael Boggs requested MAPC approval of a rezoning at 2319 Congress Cove. They would like to rezone this property from R-1 Single Family Residential District to C-3 General Commercial District.

**STAFF:** Mr. Derrel Smith presented staff comments. He recommended approval with the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

**COMMISSION:** Mr. Kevin Bailey asked that a condition be attached that prevents the applicant from doing any composting on the property.

The following conditions were attached to this rezoning request:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the

**MAPC.**

**5. No Composting allowed on the property.**

**A motion was made by Jimmy Cooper, seconded by Ron Kelton, that this matter be Recommended to Council. The motion PASSED with the following vote.**

**Aye:** 7 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

**Absent:** 1 - Rick Stripling

## **8. Staff Comments**

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## **9. Adjournment**

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