



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes - Final Metropolitan Area Planning Commission

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Tuesday, July 23, 2019

3:00 PM

Municipal Center

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### 1. Call to order

### 2. Roll Call

**Present** 7 - Lonnie Roberts Jr.; Jerry Reece; Kevin Bailey; Jimmy Cooper; Jim Little; Mary Margaret Jackson and David Handwork

**Absent** 1 - Dennis Zolper

### 3. Approval of minutes

[MIN-19:069](#)

MINUTES: Tuesday, June 25, 2019

**Attachments:** [Meeting Minutes from Tuesday, June 25, 2019.](#)

#### **Approved**

**Aye:** 6 - Jerry Reece; Kevin Bailey; Jimmy Cooper; Jim Little; Mary Margaret Jackson and David Handwork

**Absent:** 1 - Dennis Zolper

### 4. Miscellaneous Items

### 5. Preliminary Subdivisions

### 6. Final Subdivisions

[PP-19-14](#)

FINAL SUBDIVISION: The Orchard Phase I

Michael Boggs of Tralan Engineering, LLC on behalf of owner No Rest, LLC request MAPC Approval of a Final Subdivision Approval for 66 proposed lots on 19.70 +/- acres, within the RS-8 Single Family Residential District with a Limited Use Overlay of 7,100 square foot lot minimum located on Flemon Road.

**Attachments:**     [Orchard Plat](#)  
                              [The Orchard Ph-I Plan Set Rev071019-A](#)  
                              [The Orchard Ph-I Plan Set Rev071019-B](#)  
                              [Staff Report](#)  
                              [Overall Layout](#)

Michael Boggs of Tralan Engineering, LLC on behalf of owner No Rest, LLC request MAPC Approval of a Final Subdivision Approval for 66 proposed lots on 19.70 +/- acres, within the RS-8 Single Family Residential District with a Limited Use Overlay of 7,100 square foot lot minimum located on Flemon Road.

**APPLICANT:** Michael Boggs of Tralan Engineering, LLC on behalf of owner No Rest, LLC stated he is requesting final plat approval of phase one of the Orchard.

**COMMISSION:** Lonnie Roberts Jr. asked for staff comments.

**STAFF:** Derrel Smith stated what they are wanting to do is put up a performance bond for the subdivision because the infrastructure is not in place at this time. According to the engineer, they want to build the first 10 lots along Flemon Road and get utilities later for the other lots. The problem is we have no way of assuring that someone does not come and build on lot 61 or 62 without any utilities or fire protection. The performance bond does allow them to do that. Our fire department is very concerned about not being able to handle an emergency there.

**COMMISSION:** Lonnie Roberts Jr. asked for commissioner comments.

**COMMISSION:** Kevin Bailey asked if the bond is in place, or going to be filed.

**APPLICANT:** Michael Boggs stated the ordinance states in section 113-112.7, the subdivider or developer of a subdivision must, before the sale of any lot or application for any building permit, either complete all the site improvements defined in this section and as specifically identified on a record plat of subdivision and supporting plans and documentation; or furnish the Metropolitan Area Planning Commission evidence that an appropriately funded escrow account has been established in an amount necessary to cover the cost of completing all remaining site improvements. The amount to be escrowed shall be verified by the office of the city engineer. He stated he has the approved amount for the bond by the city staff. It says also in number 8, the chairperson and the secretary of the Metropolitan Area Planning Commission shall not sign and the circuit clerk shall not record a record plat of subdivision until all conditions imposed by the commission have been satisfied and all

required site improvements have been completed or their completion guaranteed and secured by an appropriate escrow of funds. He stated, we have an improved bond for this requirements. We have met the requirements. We are asking to get this plat filed so we can get building permits. The developer and contractor are one in the same. There are not multiple people that have their hands in it. A transfer or lots will not be from the developer to another entity outside of the developers themselves. They are building the subdivision and building the houses. They are not wanting to go in there and build the entire subdivision. They are just wanting to get a jumpstart on some of the houses along Flemon road where the infrastructure is in place to meet fire protection demands and things of that nature. They are not looking to build out in the middle of the subdivision where there is nothing.

COMMISSION: Lonnie Roberts Jr. stated our discussion yesterday was that they were going to build the 10 lots that back up to Flemon Road where there is already pavement.

COMMISSION: Kevin Bailey asked if a performance bond has been filed.

APPLICANT: Michael Boggs stated they have everything in place to be able to submit that to the city. He stated they are waiting to make sure they get approval here before finalizing that.

COMMISSION: Kevin Bailey asked if the city is comfortable with the performance bond.

STAFF: Michael Morris stated once the performance bond is turned in, then we can file the plat. The issue would be if someone built on the back side. We bond the street and drainage, but not the utilities.

STAFF: Derrel Smith stated once this plat is finalized, there is nothing keeping them from selling any lot in this subdivision.

COMMISSION: Lonnie Roberts Jr. asked, could any action be subject to the performance bond?

APPLICANT: Michael Boggs stated in all my work in Jonesboro, the bond have always been for the amount for the street improvements. They have never included utilities of any sort.

COMMISSION: Jerry Reece asked if the proposal calls for sidewalks. He also asked if these lots are going to have a driveway on Flemon Road

APPLICANT: Michael Boggs stated sidewalks are included on the plan. He also stated they are just looking to start building the lots. They are still going to face the new proposed street. There is water across the street for fire protection if something happened during construction. There is still hydrants to fight fires and pavement to drive on.

STAFF: Michael Morris stated they are trying to get a jumpstart on the slabs.

STAFF: Derrel Smith asked for a timeframe to have everything done.

**APPLICANT:** Michael Boggs stated it should not take longer than six months.

**STAFF:** Derrel Smith stated the performance bond can only be for six months. That is if they agree to six months. They can agree to less.

**APPLICANT:** Michael Boggs stated based on everything, he thinks it could be sooner than that. Six months would put you somewhere in January. He stated he thinks it would be more like late October, early November.

**COMMISSION:** David Handwork stated we are voting for final plat approval, but the subdivision is not ready for final approval. However, if they get a performance bond and we choose to accept that in lieu of it not being complete, that is what we are voting on.

**STAFF:** Carol Duncan stated the commission has the opportunity to determine how long they are willing to accept the performance bond. Whether they are giving you the full six months, or whether they are making it shorter than that. It says that under 112.158. It says within an agreed time period not to exceed six months. That is under storm water, but it is talking about performance bonds so I would assume it would apply. I do think that needs to be part of the approval.

**COMMISSION:** Lonnie Smith Jr. asked what would happen at the end of six months if they were not finished.

**STAFF:** Carol Duncan stated you would call in the bond. It would be up to the city, but an option would be to call in the bond. They could ask for an extension, or we could call in the bond.

A motion was made by Jerry Reece to approve the request with a 6 month time limit on the performance bond, seconded Jimmy Cooper, that this matter be Approved. The motion PASSED with the following vote.

**Aye:** 5 - Kevin Bailey; Jerry Reece; Jimmy Cooper; Jim Little and Lonnie Roberts Jr.

**Nay:** 2 – Mary Margaret Jackson; David Handwork

**Aye:** 5 - Lonnie Roberts Jr.; Jerry Reece; Kevin Bailey; Jimmy Cooper and Jim Little

**Nay:** 2 - Mary Margaret Jackson and David Handwork

**Absent:** 1 - Dennis Zolper

## **7. Conditional Use**

## **8. Rezoning**

[RZ-19-08](#)

**REZONING: 5403 E Nettleton - Fred Street - Part of Block D of  
Dudley's Subdivision**

Jerry Stephens is requesting MAPC Approval for a Rezoning from C-3 General Commercial District to RS-7 Single Family Residential District with minimum 6,222 sq. ft. lot required for .77 acres +/- of land located at 5403 E. Nettleton and on Fred Street - Part of Block D of Dudley's Subdivision.

**Attachments:**    [Application.pdf](#)  
                              [Staff Summary](#)  
                              [Lynn Turner Block D Replat.pdf](#)  
                              [Rezoning Plat.pdf](#)  
                              [Property Owners.pdf](#)  
                              [Letter from Nettleton Schools.pdf](#)  
                              [Email.pdf](#)  
                              [Aerial View of Location.pdf](#)

**APPLICANT:** Carlos Wood stated this has to be heard again due to improper signage.

**COMMISSION:** Lonnie Roberts Jr. asked, based on the request from the previous time has anything changed other than you got the signs up in time?

**APPLICANT:** Carlos Wood stated no.

**COMMISSION:** Lonnie Roberts Jr. asked for public comment. There was none.

**COMMISSION:** Lonnie Roberts Jr. asked for staff comments.

**STAFF:** Derrel Smith stated they have reviewed and would recommend approval with the following conditions: The proposed site shall satisfy all requirements of the city engineer, all requirements of the storm water drainage design manual and flood plain regulations regarding any new construction, any change of use shall be subject to planning commission approval in the future, a final site plan illustrating compliance with site requirements that is required by ordinance for parking, signage, landscaping, fencing, sidewalks, buffering, etc. shall be submitted to the planning department prior to any redevelopment.

**PUBLIC:** No Comment.

**Recommended to Council**

**Aye:** 6 - Jerry Reece; Kevin Bailey; Jimmy Cooper; Jim Little; Mary Margaret Jackson and David Handwork

**Absent:** 1 - Dennis Zolper

[RZ-19-10](#)

REZONING: 3714 Harrisburg Road

George Hamman of Civilogic on behalf of Evone Roberts is requesting MAPC Approval for a Rezoning from R-1 Single Family Residential District to C-3 General Commercial District Limited Use Overlay for 3.64 acres +/- of land located at 3714 Harrisburg Road.

**Attachments:**     [Application](#)  
                              [Staff Summary](#)  
                              [Rezoning Replat](#)  
                              [Nettleton School Signature](#)  
                              [Email](#)

George Hamman of Civilogic on behalf of Evone Roberts is requesting MAPC Approval for a Rezoning from R-1 Single Family Residential District to C-3 General Commercial District Limited Use Overlay for 3.64 acres +/- of land located at 3714 Harrisburg Road.

**APPLICANT:** George Hamman stated he and his client have discussed it and they have a little more information they need to gather before making a formal presentation. He requested they be postponed until the next MAPC meeting.

A motion was made by Kevin Bailey, seconded by Jimmy Cooper, that this matter be Tabled. The motion PASSED with the following vote.

**Aye:** 6 - Jerry Reece; Kevin Bailey; Jimmy Cooper; Jim Little; Mary Margaret Jackson and David Handwork

**Absent:** 1 - Dennis Zolper

**9. Staff Comments**

**10. Adjournment**