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Minutes for the MAPC meeting on September 14, 2004.  
Metropolitan Area Planning Commission Minutes, September 14, 2004

MEMBERS PRESENT: Beadles, Vance, Damron, Gott, Moore, Krennerich, Day

MEMBERS ABSENT: Harpole, Johnson

OTHERS PRESENT: Ron Shipley, Acting City Planner; Claude Martin, City Engineer; Phillip Crego, City Attorney; Brian Wadley, Planning Coordinator

Chairman Beadles called the public hearing to order at 6:00 p.m. and asked Acting City Planner, Ron Shipley, to read aloud the proposed ordinance amendments. Mr. Shipley then proceeded with the reading of the proposed amendments as follows:

#1 An amendment to Title 14, known as the Zoning Ordinance for the City of Jonesboro, Section 14.20.01 subsections (a) and (b) for the following purposes:

- (a) R-2A District - to discontinue new use in this district
- (b) R-3 District - to discontinue new use in this district
- (c) R-3M - creating a new district with use restricted to requesting MAPC approval of manufactured housing unit placement, unit no older than 8 years old as measured from the date that the permit or approval is sought. Manufactured housing, Residential Style, would not be affected. Properties already zoned R-3 would not be affected. MAPC approval required.
- (d) R-4 District - creating a new district allowing multi-family up to and including 4 duplexes or not to exceed 8 dwelling units, 6 dwelling units per acre, must provide parking and code compliance. MAPC approval required.

(e) R-5 District - creating a new district allowing multi-family up to and including 5 buildings or not to exceed 20 dwelling units, 12 dwelling units per acre, must provide required parking and code compliance. MAPC approval required.

(f) R-6 District - creating a new district allowing multi-family in excess of 6 buildings, unlimited dwelling units, maximum unrestricted dwelling units per acre. Must provide required parking and meet all required codes. MAPC approval required.

Eugene Smith spoke in regard to the proposed amendments. Dr. Smith stated that he understood some of the reasoning behind the proposal but said it still does not address the basic issue of what the city should look like or how it should be developed. No one is looking at future development and saying how areas should be developed. We seem to be taking a reactive position instead of a proactive. We need to identify areas for level of density and for mixed uses. These amendments are a start but it needs to go further. Where do we go from here and how do we handle rezoning requests because there will still be requests for multi-family zoning which may or may not be opposed. However, just because there is no opposition you still should be making a decision on what is the best possible land use. People who have invested their lives in their homes and property must be protected. Where should this new zones be located and what are the appropriate areas? Dr. Smith expressed concern about the village concept in the zoning ordinance and noted that they are centered around our schools. A major concern of Dr. Smith's is that the developer is what is determining how Jonesboro is developing. How the city looks in 20, 40, 60 or 100 years should be determined by those of us who live in this city not by one man's desire to build. Some items in the proposal need to be clarified as well.

Chairman Beadles asked Ron Shipley, Acting City Planner, to clarify what is allowed in R-4 Zoning.

Mr. Shipley stated that the way this breaks down is that you could have one building with eight dwelling units, or two buildings with four dwelling units, but you cannot exceed 4 buildings nor 8 dwelling units per lot. All would have to meet code compliance pertaining to parking, setbacks, drainage, etc... There was some confusion about whether triplexes or anything other than a duplex could be built in R-4.

Commissioner Vance pointed out that the majority of undeveloped lands in the city are zoned R-1 and the opportunity for the city to zone it something else has passed except by request from an owner or developer. Growth and development is what is going to determine when a piece of property is going to be rezoned. It's unrealistic to think that it is all going to remain R-1. We have a land use plan in place with projected uses that probably needs to be updated, but we cannot tell a developer that you can't buy this piece of property or that piece of property you've to buy this piece of property. What we can do is try to make sure that rezoning does not negatively affect the surrounding property and that it is what's best for the city as a whole.

Skip Mooney, Sr. spoke stated that he felt that there was a crisis in Jonesboro now because of the R-3 zoning situation. Every time R-3 is mentioned they turn out in masses to oppose it even from other parts of the city. Mr. Mooney stated that what he wanted to see happen is that the zoning requirements that the MAPC sets out be as clear as possible so the developers will know what they can and can't do. Then if everything is in order they would get a favorable response and he knows that he can use his property.

Mr. Mooney asked for clarification under the R-3 which proposes to discontinue new use in this district. Chairman Beadles and other commissioners explained that properties already zoned R-3 would remain R-3 and would not be affected by this ordinance and could be developed using the R-3 requirements.

Commissioner Vance made some suggestions for changes in the proposal. In section a, change the wording to

read “discontinue new rezoning” in the R-2A zoning district. Any existing R-2A zoning would remain R-2A unless the owner requests a change. In section b, change the wording to read “discontinue new rezoning” in the R-3 zoning district. Any existing R-3 zoning would remain R-3 unless the owner requests a change. In Section d, change duplexes to “buildings”.

#2 An amendment to Title 14, known as the Zoning Ordinance for the City of Jonesboro, Section 14.44.05 (a) (2) for the purpose of adding a written notice requirement when there is a change in zoning district boundaries for properties that have limited or no street frontage and/or contain more than five acres.

The minutes of the 10, 2004 meeting were approved as prepared on a motion by Mr. Krennerich, second by Ms. Moore and unanimous vote.

Mr. Vance made a motion to amend the proposed zoning ordinance amendments as follows: In Item #1, Section (a) change the wording from discontinue new use to “discontinue new rezoning” in the R-2A zoning district. Any existing R-2A zoning would remain R-2A unless the owner requests a change. In Item #1, Section (b), change the wording from discontinue new use to read “discontinue new rezoning” in the R-3 zoning district. Any existing R-3 zoning would remain R-3 unless the owner requests a change. In Item #1, Section (d), change duplexes to read “buildings”. Mr. Vance further moved to include Item #2 in his motion to add a written notice requirement when there is a change in zoning district boundaries for properties that have limited or no street frontage and/or contain more than five acres. The written notice shall be the same as that for a conditional use application. At least one sign shall be posted on all corners of the property proposed for zoning change. The motion was seconded by Mr. Day. Voting was 6 in favor, 0 opposed. Those voting aye were Vance, Damron, Gott, Moore, Krennerich, Day. MOTION CARRIED.

Mr. Vance made a motion to recommend approval of the zoning ordinance amendments in items 1 & 2 as amended to the City Council. The motion was seconded by Mr. Krennerich. Voting was 6 in favor, 0 opposed. Those voting aye were Krennerich, Day, Damron, Moore, Gott, Vance. MOTION CARRIED.

#3 CU04-10 Harrison Wheaton requested approval of a conditional use to place an emergency housing unit at 3814 Hill Drive as a medical hardship for his mother. The general location of the property is on the north side of Hill Drive, west of Airport Road.

Mr. Wheaton explained that his mother is 87 years old and in bad health and cannot take of herself anymore. Her doctor has provided a letter stating that she needs to have care provided.

Commissioner Krennerich asked Mr. Wheaton if he knew that the permit had to be renewed after one year and he said that he did. Mr. Krennerich also asked how this would be monitored for the renewal. When the hardship no longer exists the emergency housing unit has to be removed.

Ron Shipley, Acting City Planner, stated that he will establish a log so they will know when these should come back up for renewal. The property owner will be notified at least thirty (30) days in advance of the expiration.

No opposition was expressed by any one in attendance.

A motion to approve the request was made by Mr. Day and seconded by Mr. Vance. Voting was 6 in favor, 0 opposed. Those voting aye were Day, Vance, Damron Krennerich, Moore, Gott. MOTION CARRIED, REQUEST APPROVED.

#4 CU04-11 Raymon Mabry requested approval of placement of a manufactured home, residential style, in the

R-1, Single-family Medium Density District. The address of the property is 2307 N. Church Street and the general location of the property is on the west side of Church Street, north of Ranchette Drive.

Mr. Mabry's representative explained that if approved they would be placing a 28' X 60' residential style manufactured home on this lot. Notifications were sent to all property owners within 200' of the boundary of the property.

A motion to approve the request was made by Mr. Gott and seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. Those voting aye were Gott, Damron, Day, Moore, Vance, Krennerich. MOTION CARRIED, REQUEST APPROVED.

#5 RZ04-21 Anita Arnold requested approval of rezoning from the R-1, Single-family Medium Density District to the C-3, General Commercial District for 20.03 acres located on a part of the south half of the NW ¼, SW ¼ of Section 2, T14N, R4E. The general location of the property is one-quarter mile north of Johnson Avenue and one-quarter mile west of Bridger Road.

Skip Mooney, Sr., representing Anita Arnold, stated that this tract lies immediately north of a large commercial tract that fronts Johnson Avenue. Access to this proposal would be through the large commercial tract. A previous request for R-3 zoning was disapproved for this same tract. Ms. Arnold owns both properties at this time.

Kent Arnold, agent for Anita Arnold, stated that there is 36 acres already zoned C-3 in front of this property and these 20 acres is contiguous to that tract. Mr. Arnold stated they are requesting the rezoning to be able to have a master planned, commercial development which there is a need for in this area. Much of the land in the area is stripped commercial now. There are no known users at this time but there are discussions with several large box uses. Mr. Arnold further stated that it was not his intention to do multi-family development on this site but he would be coming back with a master plan for commercial development.

Paul Wallis, an adjacent owner, stated that he was curious about the need for rezoning to C-3 at this time. He said he was not necessarily opposed to commercial development but would like to know a little more about what is going on the property. The unknown is what troubles me. The forty acres in front have been zoned commercial for ten years and nothing has happened there yet. Mr. Wallis stated that he feels like they need to know what is going to be built there and maybe start with the front and then move to the back even though he understands that the MAPC cannot require for uses to be made known.

Preston Williams, an adjacent owner on the north side with 428' of contiguous property. Mr. Williams stated that this was a part of the northeast quadrant of the city that was zoned R-1 at the time of annexation. Since then the traffic just in this area has increased greatly. In the years since annexation there have been over 800 homes built. There are plans in the inspection department for some 250 more homes to be built. The R-1 zoning is the reason why they built and why so many others did. You made it R-1 and we built it R-1. In some ways they like the idea of this proposal being commercial to serve this area which is growing rapidly and services are needed. Mr. Williams further stated that if this is true commercial and not a ploy to come back later and say the commercial venture didn't work and then try to down zone to multi-family. This would damage nearby property values. If it is developed commercial he wants to see fence barriers and buffering to protect the residential owners. The property needs to be developed properly and positively because of other vacant acreage, approximately 60 to 80 acres that is also undeveloped. If not, it could be disastrous for this gateway to Jonesboro.

Richard Carvell, representing RON, reminded the commissioners that this area is R-1 and is developed with

single family homes. These people have invested major dollars in these homes, perhaps the biggest investment of their lives, and he asked the commissioners to respect this neighborhood.

Commissioner Damron inquired about the platting of the two tracts into one and Mr. Arnold stated that it is not platted at this time and that he would be coming back with a master planned, commercial development that would lay out the property. Users are unknown at this time.

Commissioner Vance reminded Mr. Arnold that when his plans were submitted that buffering would be a major consideration. Mr. Arnold said that he knew that he would have to buffer all sides of the development.

Mr. Krennerich made a motion to recommend approval of the rezoning to the City Council with Mr. Vance making a second. Voting was 6 in favor, 0 opposed. Those voting aye were Krennerich, Gott, Vance, Moore, Damron, Day. MOTION CARRIED, REQUEST APPROVED.

#6 RZ04-22 David and Gail Oesterblad requested approval of rezoning from the R-2, Multi-Family Low Density District to the C-3, General Commercial District for Lot 3A of Oesterblad's Replat of the west one-half of Lot 3, Block J of Nisbett's Addition. The address of the property is 826 W. Huntington Avenue and the location of the property is on the northeast corner of W. Huntington Avenue and Vine Street.

Mr. Oesterblad explained that this was the former site of Bruce's Market that moved some twelve years ago. There is also an attached apartment that is rented. It has since been used for a storage facility. It was once used as a tile business as well. He has leased the property to someone who wants to use it as an arcade. His understanding is that the hours of operation would be limited. He further stated that he thought a business in this location with some improvements would improve the neighborhood. His office is across the street and the city offices are located on the opposing corner. There are problems with prostitution and drugs in this neighborhood and he felt this would be a positive influence in the area and would provide activities for kids in the neighborhood.

Ruth Stice, an adjoining property owner, stated they were trying real hard to clean the neighborhood up and working with the police department when they see different things happening. Ms. Stice said that while they had video games, they also had pool tables that were moved in. Concern was expressed about noise, lack of parking, people blocking their property, late night disturbances, and unsupervised children. She said she wanted it to remain residential and used residential. An arcade/pool hall would not improve the area in any way.

Larry Stice, who lives behind the building, said there was way too much trouble in the neighborhood now and he did not believe they could handle any more.

Kevin Sartin, who is leasing to buy the property, said he had been operating an arcade on N. Main and he wanted to move it to this location because the previous location was sold. He stated that they had no problems on Main for the few months it was open there until the building he was leasing sold. He said he owns rental property in the area and lives in the area on Monroe. His goal is to provide activities for the children and get them off the streets. This would give them something to do. All games are inexpensive. As far as parking, he stated that he planned to lease the lot on the west side of the street for parking. He stated that he was concerned about crime in the area and wanted to help solve them not add to them. His planned operating hours are noon to 8:30 or 9:00 p.m. on weekdays, Saturdays noon to 11:00 or 11:30 p.m. Closed on Sundays.

Janet Henderson, at 215 Vine Street, spoke in opposition to the request. She said she was concerned about the children in the neighborhood but they need something else to do. For the few days it was open before the City shut them down, there were a lot of vehicles and visitors to the area that don't live in the area. Beer bottles and

beer cans were thrown out during those days when it was open. What kind of security is going to be there and who is going to control these kinds of activity? If they are truly concerned about children then something else should be there.

Ron Shipley, Acting City Planner, stated that this property is surrounded by single and multi-family dwellings on all sides. Property across the street was recently changed to C-5 for office use. The subject property does not conform to standards to really even request a zoning change. The change in use would not be consistent with the surrounding uses and zoning.

Mr. Krennerich made a motion to disapprove the request because it would constitute spot zoning and is not consistent with surrounding uses and zoning. The motion was seconded by Mr. Gott. Voting was 6 in favor, 0 opposed. Those voting aye were Krennerich, Day, Moore, Vance, Dam, Gott. MOTION CARRIED, REQUEST DISAPPROVED.

#7 RP04-46 David and Gail Oesterblad requested approval of a replat of the west one-half of Lot 3, Block J of Nisbetts Addition. The address of the property is 826 W. Huntington Avenue and the location of the property is on the northeast corner of W. Huntington Avenue and Vine Street.

WITHDRAWN.

#8 PPO4 -15 Blue Star Land Company requested preliminary approval of plans for Ridge Lake Estates, a residential subdivision containing 46 lots on 44.47 acres in the R-1, Single-family Medium Density District. The general location of the property is approximately 1,600 feet east of Mt. Carmel Road, south of Farm Creek Estates, and approximately 1,300 feet west of Culberhouse Street, and is a continuation of Layman Drive.

WITHDRAWN.

#9 PP04-16 Nix & Fowler Development, LLC requested preliminary approval of plans for Preston Estates, a residential subdivision containing 24 lots on 35.62 acres in the R-1, Single-family Medium Density District. The general location of the property is south of Pebble Beach Drive and will be an extension of Sea Island Drive.

WITHDRAWN.