



## Legislation Details (With Text)

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6/14/2005	1	Metropolitan Area Planning Commission	Passed	Pass

Minutes for the MAPC meeting on May 10, 2005.

Metropolitan Area Planning Commission Minutes, May 10, 2005

Members Present: Beadles (Chair), Vance, Day, Gott, Krennerich, Roberts, Sawyer

Members Absent: Moore, Harpole

Staff Present: Crego, Martin, Harris, Robins

Dr. Beadles called the meeting to order at 7:00 P.M. The minutes of the April 12, 2005 meeting were approved as prepared on a motion by Mr. Day, second by Mr. Gott and unanimous vote.

Chairman Beadles announced that Items #3 and #7 had been withdrawn by the applicants.

#1    CU-05-03    Divine Wisdom Childcare requests conditional use approval to locate a general day care in a C-2 Downtown Fringe Commercial District. The subject property is at 528 West Monroe Avenue.

Pastor Simmons is proponent for this item. Mr. Simmons is requesting conditional use approval to locate a day care center in a C-2 zone. A smaller version of the day care center is currently located on Bridge and Creath but can only serve 19 children. Mr. Simmons stated that he is getting many requests from parents but does not have the room and has to turn people away. The City Planner stated that the subject property looked like a good location because pick-up and drop-off of children could take place away from the street, there is plenty of parking, and part of the parking lot can be fenced for a play area. Mr. Harris also said this was a mixed use area with single family, rental property, as well as commercial uses near the building. There is also an eight unit apartment building nearby, as well some vacant lots. Mr. Vance made a motion to approve, Mr. Gott seconded, and there was a unanimous vote for approval.

#2    PP-05-03    Nix Fowler Development requests preliminary plat approval of Plantation Estates, a 23-lot residential subdivision on 70.77 acres in an R-1 Single Family Medium Density District. The subject

property is located on the north side of Woodsprings Road, between Ridgepointe and Preston Oaks.

Mr. John Easley is representing Robin Nix for this proposal. No opponents were present and the City Planner had no comments. City Engineer Claude Martin stated that all but one of his comments from April MAPC meeting had been met. The remaining issue is the use of an open channel behind the curb and gutter. Mr. Martin said he was not necessarily opposed to this, but the regulations do not allow it. If the Commissioners desire to approve, then Mr. Martin would like the minutes to show he had voiced his concerns.

City Attorney Crego stated that he and Mr. Martin had discussed the principle of relying on the Jonesboro Code of Ordinances, Chapter 9.3A, regarding street specifications. That section of the Code, adopted in November 1995, sets street improvement standards. The provisions of that section allow an open ditch without curb and gutter only along rural collectors or gravel road overlays. Mr. Crego stated that he did not think the roadway in question would qualify as a rural collector or as a typical section for a gravel road overlay. Mr. Crego said the ordinance would have to be amended to allow this type of development. Mr. Vance stated that not even the city council could write a variance to an ordinance for a specific area or development. In such cases the whole ordinance would have to be rewritten. Mr. Crego said the whole ordinance would have to be rewritten and mentioned that the City cannot pass legislation just for this one individual. There would have to be an ordinance drafted and passed for any development of this type.

Several commissioners asked the City Engineer similar questions regarding whether the drainage would be within the right of way, and what drainage structures would be required where the drainage crosses the street. Mr. Krennerich made a motion to grant preliminary approval and Mr. Gott seconded. Mr. Vance stated that before approval, a stipulation should be added requiring notice be placed on deeds regarding the drainage easement. Dr. Beadles asked for a motion on the amendment, which was made by Mr. Vance and seconded by Mr. Day and followed by a unanimous vote. On a roll call, the amended motion carried unanimously.

#3 RZ-05-08 B & G Land Company requests rezoning of 33.52 acres from R-1 Single-Family Medium Density to R-5 Multi-Family, and the rezoning of 16.16 acres from R-1 Single-Family Medium Density to R-6 Multi-Family. Both parcels are located along the north side of the Union Pacific Railroad (former Cotton Belt Railroad), southeast of the curve where Aggie Road becomes Paragould Road. WITHDRAWN BY APPLICANT

#4 RZ-05-09 Spencer Investments requests approval of rezoning from R-2 Multi-Family Low Density District to C-3 General Commercial District for a 0.2 acre parcel located at 4401 East Highland Drive.

Mickey Spencer is the proponent for this item. Mr. Harris stated that Mr. Spencer had recently purchased this property and inherited several existing nonconformities that he was trying to address. Dr. Beadles asked for comments from City Engineer and there were none.

Dr. Beadles asked commissioners if there was a motion. Mr. Sawyer made a motion to recommend approval, Mr. Vance seconded, and a unanimous vote followed. Dr. Beadles announced that a recommendation for approval would be made to the City Council.

#5 RZ-05-10 The Madelene Clark Revocable Trust requests approval of rezoning from R-1 Single-Family Medium Density District to R-6 Multi-Family District for a 5.06 acre parcel at 2612 East Johnson Avenue.

David Tyler was present as proponent on behalf of The Madelene Clark Revocable Trust for this item. Mr. Tyler is asking for rezoning of the property. This property is across Johnson Avenue from the ASU sports complex

and just west of the St. Bernards Behavioral Health Center. There is some property to the west zoned R-1, and beyond that an area of C-3 zoning. Approximately 12.43 acres of adjoining property to the west is owned by Mr. Carr, who has supplied a letter stating he has no opposition to the rezoning of this property.

Phase I indicates three quadplexes and one duplex, with the stated intention of building additional quadplexes in the future. That is why they are requesting R-6 zoning. An R-5 designation would limit the site to 5 buildings and 20 units. Mr. Tyler stated that the pine trees along the frontage would be left for screening. The buildings will be a combination of brick and vinyl siding. Mr. Tyler said much of this area is zoned residential, but that it includes commercial buildings as well as multi-family units. The proposed use would be consistent with the 1996 Plan, which indicates multi-family uses in this area. Mr. Tyler also said it would be consistent with the location of the University and very likely the units would be rented by students attending ASU. Dr. Beadles asked the City Engineer if he had any comments and he had none. Mr. Krennerich mentioned this property is approximately 1150 ft deep and the current proposal uses only about ¼ of the property. Mr. Krennerich also stated that in a cul-de-sac, there should be no more than 30 residences on a dead end street. There was general discussion of using the limited use overlay. Mr. Day made a motion to recommend approval to the City Council with a limited use overlay restriction of a maximum of 46 units on the parcel. Mr. Vance seconded and the vote was unanimous for approval.

#6 RZ-05-11 Walter Kiser requests approval of rezoning from R-1 Single-Family Medium Density District to C-3 General Commercial District for a 2.89 acre parcel located on the west side of Highway 351 north of Highway 49 near Rios Lane.

George Hamman prepared the application for this item. Mr. Harris said this property is north of the convenience store at the northwest corner of 49 and 351, just beyond an existing commercial building that sits on a strip of R-1 zoning. The parcel just to the north is single family. Further to the north and across the highway is a small area of industrial zoning. Mr. Harris said it is difficult to see how the subject property will develop with R-1 uses. He further stated that the subject property and the adjacent site of the commercial use were likely annexed as R-1. Dr. Beadles mentioned that to the north of the property there was a thick hedge which screened the residential property. Mr. Krennerich asked how someone could change nonconforming R-1 property to commercial zoning. Mr. Harris said they could make a request or the city could initiate the change. A motion for approval was made and seconded. A roll call resulted in four years and two years. As five affirmative votes were needed for approval, Dr. Beadles said the request would be forwarded to City Council without recommendations.

#7 RZ-05-12 Keith and Deborah Bennett request approval of rezoning from R-2 Multi-Family Low density District and C-1 Downtown Core Commercial District to C-3 General Commercial District for a 1.56 acre parcel on the west side of Baker Street between Hope Avenue and Washington Avenue. WITHDRAWN BY APPLICANT

#8 RZ-05-13 Keith Bennett requests approval of rezoning from R-1 Single-Family Medium Density District to R-6 Multi-Family District for a 22.88 acre parcel located on the east side of North Patrick just south of Lost Creek.

John Easley of Associated Engineering prepared the application, and was present representing the owners. Several opponents to this item were present, including Gary Tate, Carolyn Tinsley and Will Earnhart. The opponents were concerned about the traffic at the intersection between Belt and Patrick and how it backs up during rush hour. They also voiced concerns that Patrick was too narrow to handle the traffic load. Ms. Tinsley's concern was that people already park on both sides of the street, and there are no sidewalks. She stated her concerns that residents and children might be endangered by the additional traffic. Another concern

voiced was that more apartments would mean more people and would increase the crime rate. Mr. Earnhart mentioned that new apartments are being built right next door to him. He said he is not exactly against them building, but is concerned about how the traffic will be handled. One commissioner asked if the site was in a flood plain. Mr. Harris said portions of the northwest and southwest corners of the parcel were in the flood plain. After discussion, Mr. Easley decided to pull this item.

**Other Business** Mr. Vance said he would like to ask the City Council to consider a moratorium on billboards in the city until we have a proper ordinance to control their use. Dr. Beadles asked for a motion. Mr. Vance moved to send a recommendation to the Council to consider a moratorium on billboards, and was seconded by Mr. Krennerich. The motion received a unanimous affirmative vote.

The meeting adjourned approximately 8:00 P.M.