



## Legislation Text

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**File #:** MIN-07:098, **Version:** 1

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Minutes for the MAPC meeting on March 13, 2007.  
Metropolitan Area Planning Commission Minutes, March 13, 2007

Commissioners absent: Ms. Norris; All others present.

Staff present: Mr. Spriggs, Mr. White, Ms. Rook, City Attorney Crego

Approval of minutes from the February 13, 2007, meeting. Motion was made by Mr. Day, seconded by Mr. Roberts. Minutes were approved by unanimous vote.

1. RZ-07-03 - CWL requests rezoning from R-1 Residential to I-2 Industrial for 480 acres +/- located south of C.W. Post Rd. and west of Barnhill Rd.

Mark Young with Jonesboro Economical Corporation came forward as proponent for this item. Mr. Young stated that this rezoning would be consistent with the other surrounding properties and the technology park.

City Planner Spriggs stated that this rezoning is consistent with the outdated land use map, but this area should remain industrial in nature and staff recommends that this item be approved.

Mr. Day made a motion to recommend this item to the City Council. Mr. Halsey made a second. Collins voted aye. Mr. Day voted aye. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

This item was approved.

2. RZ-07-04 - W. Gary Odor requests rezoning from R-1 Residential to C-4 LU: Pool business/Professional office/display for 1.6 acres located at 2217 Woodsprings.

Mr. Odor came forward as proponent for this item. Mr. Odor stated that this would be used for office and gallery/display for his pool and landscaping business.

Mr. Conrad Ellis came forward as an opponent for this item. Mr. Ellis is concerned about traffic and making this a more traveled area for a commercial business.

Mr. Allen Twidell came forward as an opponent for this item. Mr. Twidell stated that he and some other neighbors are worried about having a commercial building open if something happens and he sells this place then there would be commercial property.

Dr. Beadles stated that he would be limited in the use because of the C-4 Limited Use rezoning.

Mr. Odor stated that he builds approximately 30 pools per year. He did not have the plans drawn up due to

price of the plans and not knowing if he would even get this rezoned. Mr. Odor isn't a high traffic business. If anyone rented property from him, it would not be a high traffic business. This would not be a storage area for pool supplies. Mr. Odor would like to have this area as a showplace where people could see how their landscaping could look. As far as traffic, most of the time it would be a small amount of traffic per year. Normally, I go to the client's home to measure the yard, etc.

Mr. Krennerich asked about the entrance to the place. Mr. Odor stated that there would not be enough activity to change traffic flows at all. There is more traffic from the tenant that lives there now than there would be with a pool business.

Mr. Krennerich would like to change that to Neighborhood office instead of neighborhood commercial.

City Planner Spriggs stated that there is no longer C-5, but it is now CR-1. Staff stated that this fits a home occupation and that this would be done. Staff believes that the stipulation the storage of supplies at this location be restricted.

Mr. Day made a motion to approve as CR-1 LU as an office with stipulations as follows:

- a. No storage of materials or work being performed at this location; and,
- b. No billboards to be erected at this location.

Mr. Tomlinson seconded this item. Collins voted aye. Day voted aye. Roberts voted aye. Krennerich voted aye. Halsey voted aye. Harpole voted aye. Tomlinson voted aye.

This item was approved.

3. RZ-07-05 - First Assembly of God, Inc. requests rezoning from R-1 Residential to C-3 General Commercial for 38.5 acres located north of Johnson Ave. (Hwy. 49 North) and west of Bridger Rd.

Mr. Mike Glover came forward as proponent for this item. This is going to be our future church site but we may want to sell a portion of this property.

City Planner Spriggs stated that this area has been highlighted as thoroughfare commercial and we anticipate that this will remain the same on the new land use plan. No objections from staff.

Mr. Krennerich stated that he feels that thoroughfare commercial isn't the way to develop the land. If it is just to build a church then they can give a conditional use for that. Mr. Collins stated that there seems to be no compelling reason to change this area to C-3 at this time.

Mr. Glover stated that he does think that the rezoning would be more for the increase in the land price.

Mr. Krennerich moved to recommend to the City Council to deny the C-3 General Commercial. Mr. Harpole seconded. Mr. Collins voted aye. Mr. Day voted aye. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

This item was denied.

4. RZ-07-06 - Tony Davis/Kevin Hoke request rezoning from R-1 Residential to C-3 General Commercial for 2.0 acres located on E. Highland Dr. between Nestle Way and Rodgers Chapel Rd.

Mr. Hoke came forward as proponent for this item.

City Planner Spriggs stated that they spoke to applicant regarding reservations about the blanket C-3 for the lot and considered some sort of limited use catered to a specific use limiting undesirable uses in this area which is primarily R-1. It isn't far from the industrial region and we were looking to try to compliment this area and we suggested industrial.

Mr. Krennerich moved that we recommend that the City Council deny this application. Mr. Halsey seconded. Mr. Collins voted nay. Mr. Day voted aye. Mr. Roberts voted nay. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted nay. Mr. Tomlinson voted nay. The motion failed.

Dr. Beadles stated that he would send it on to City Council without a recommendation.

5. RZ-07-07 - Scott Voss/Dan Sullivan request rezoning from R-1 Residential to CR-1 Commercial Residential Mixed Use for 2.53 acres located at 1507 E. Matthews.

Mr. Halsey made a motion to table this item since no one was present. Mr. Krennerich seconded. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

This item was tabled.

6. RZ-07-08 - St. Bernard's Medical Center requests rezoning from R-1 Residential to C-1 Downtown Core Commercial for .09 acres located north of Hope between Bridge St. and Baker St.

Betty Shaw came forward as proponent for this item. This is a small part of Lot 7 that was not owned by St. Bernard's at the time the other property was obtained.

City Planner Spriggs stated that this is agreeable to staff and that this is basically being done to clean up the zoning map for this small area that has been acquired.

Mr. Day made a motion to recommend this item to City Council. Mr. Collins seconded. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

This item was approved.

7. CU-07-01 - Jonesboro Real Estate Holdings/St. Bernard's Village requests a conditional use to construct a senior adult residential complex (see item #6).

Mr. Day made a motion to approve this item. Mr. Krennerich seconded. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

This item was approved.

8. RZ-07-09 - Troy Coleman/Jay Harmon requests rezoning from R-1 Residential to RM-12 (LUO 10

units per acre) for 73.10 acres located on Kathleen Street between Morton Dr. and Pacific Rd.

Mr. Crews came forward as proponent for this item. This property is east of the airport and north of Highland Drive. They feel that the new businesses going in would require some multifamily housing in that area.

Mr. Leslie War (sp) came forward as an opponent to this item. Mr. War submitted a petition with 63 names who are opposed to this item.

City Planner Spriggs stated that this parcel was approved for the City Council and was withdrawn prior to anticipated denial due to issues concerning infrastructure. Staff supported a PUD on this acreage for this area but that is where we left off. The applicant promised to include single family within their proposal of 8 units per acre in which you approve with the stipulation that they are developed under the R-6 stipulations in terms of the number of structures per parcel.

Mr. Halsey asked about the proposal having 10 units per acre instead of 8 which they came with the first time. Mr. Crews stated that the property is a different piece of property which is north of the property we are dealing with tonight. There were questions regarding infrastructure. Some of the specific questions dealt with how utilities would be supported in this area. Sewer would be extended to the north property line and all the way to Pacific Rd. The water line is already there and it would also be extended to the north. The electric line is already there and will be extended north as well. Telephone, gas and cable will extend services to the north end of this property.

Mr. Crews stated that he would like to know where the people live that their names are on the petition and also what their specific concerns are concerning this item.

Dr. Beadles stated that he has concerns with that many acres of apartments being erected in that area.

Mr. Day made a motion to recommend to the City Council to deny this item. Mr. Collins seconded. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

Mr. Crews asked to have withdrawal at that time. Mr. Day asked that the motion stand.

This item was denied.

9. RZ-07-10 - Troy Coleman/Jay Harmon requests rezoning from R-1 Residential to RM-12 (LUO 10 units per acre) for 53.91 acres located on Nestle Rd. between Highland Dr. and C.W. Post Rd.

Mr. Crews came forward as proponent for this item. He stated that all of his statements on the prior case apply to this case as well.

Dr. Beadles asked about the R-6 L.U. across the street and if there were stipulations on that tract of land. Mr. Krennerich stated that there were no stipulations placed but that let it pass and see what happens with the development. We didn't feel that it would be a good place for a housing development but decided to do that small piece of land and see how it did as a development. Nothing has been developed on this piece of land.

Mr. Crews stated that it is not economically feasible to run all of the utilities to this small tract of land. We want to rezone all of it to run utilities to the entire tract. We did talk about doing a PUD for the larger tract but

it is just not economically feasible either to do before we have this rezoned.

Dr. Beadles stated that a PUD is a rezoning.

Mr. Crews stated that to plan a development isn't actually feasible because it is unknown if the MAPC will approve that request when none of the utilities have been run to the property.

Mr. Krennerich stated that the new PD development would make it easier to do a planned development. You may want to withdraw this item and try it again once this change has taken place.

THIS ITEM WAS WITHDRAWN BY THE APPLICANT.

10. RZ-07-11 - Elizabeth Moore requests rezoning from R-1 Residential to I-1 Industrial for 18.82 acres located between Parker Rd. and Rook Rd. east of Stadium.

THIS ITEM WAS WITHDRAWN PRIOR TO MEETING.

11. RZ-07-12 - CamTri Ross Investments, Inc./ Tipton Ross requests rezoning from C-3 General Commercial to CR-1 Commercial Residential Mixed Use for 23.78 acres located on Latourette Dr.

THIS ITEM WAS WITHDRAWN PRIOR TO MEETING.

12. RZ-07-13 - Roddy Thrasher requests rezoning from R-1 Residential to I-1 Industrial for 75.90 acres located on Moore Rd. between C.W. Post Rd. and Highway 63.

Mr. Day made a motion to table this item. Mr. Collins seconded the motion. Collins voted aye. Day voted aye. Roberts voted aye. Krennerich voted aye. Halsey voted aye. Harpole voted aye. Tomlinson voted aye.

RZ-07-13 - Roddy Thrasher requests rezoning from R-1 Residential to I-1 Industrial for 75.90 acres located on Moore Rd. between C.W. Post Rd. and Highway 63.

Mr. Collins made a motion to table this item. Mr. Day seconded the motion. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

Mr. Day moved to untable this item. Mr. Collins seconded. All voted aye to untable.

Terry Bare came forward as proponent for this item. The property is in an agricultural area but it is near the industrial park.

City Planner Spriggs stated that this area will develop as industrial and find that the request is reasonable. Much of the land to the east is in the flood way and flood plain and that would be addressed by the applicant through the development process.

Mr. Tomlinson asked if there were any opponents that could have left during the time that this was tabled.

City Planner Spriggs stated there were no calls or visits regarding this item.

Mr. Harpole made a motion to recommend to City Council that they approve the rezoning. Mr. Halsey seconded. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr.

Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

This item was approved.

13. RZ-07-14 - In Hoc, LLC/Bryan Wagner requests rezoning from R-1 Residential to C-3 (LU-Bank) for 6.90 acres located on Highland Dr. between Wofford and Rains.

Don Parker came forward as proponent for this item. This proposal has been discussed with all members of the commission and the neighbors were also asked about their concerns. One of the residents concerns was the closing of Wofford St. and the commission has recommended closure of Wofford in the past. If this rezoning is approved then the bank is agreeable to granting sufficient right-of-way to close Wofford and to create the cul-de-sac on Wofford. Traffic concerns were raised by the neighbors as well and maintenance upkeep of the property. It is my understanding that all of the concerns have been addressed by Mr. Lieblong and that at the conclusion of that meeting the neighbors had all been in support of this rezoning request. The plans are to build about a 10,000 sq. ft. building for the home office. The current plans would be to locate the bank in the center of the property and hopefully that would alleviate any traffic concerns with the drive being in the middle of the property and also an entrance on Rains. Staff has recommended C-4 LU instead of C-3. We would certainly agree to some sort of limitation on the building size. We also would ask that if this approved that we would like the ability to build a 2 story structure regarding the height requirements.

Dr. Beadles wanted to clarify that he spoke with Mr. Lieblong and suggested that he call the neighbors.

Barbara Weinstock asked that if this is approved can Wofford become a cul-de-sac.

Mr. Krennerich stated that he is opposed to any more commercial in that area, but he believes this is the best use and of the best interest of the City to have this low impact commercial in that area. The only stipulation he would suggest is that this acreage stay one tract and not be subdivided in the future into more than one lot.

City Planner Spriggs stated that we do support the C-4 LU. We don't foresee a problem with the building height at this time. Staff would support the closure of Wofford into a cul-de-sac.

Mrs. Ghering stated their property abuts this property. Mr. Lieblong stated that they would put a green buffer in between their land and that was very appealing to them.

Mrs. Williams, 1809 Rains, stated that no one contacted them about this item and wanted to know what would be next to his property. Mr. Parker stated that there would be a green buffer across that property.

Mr. Collins made a motion to recommend to the City Council with the following stipulations:

- a. No subdividing of this lot (other than for right-of-way matters);
- b. If the property is resold it can not be used for anything but the bank use (C-4 Bank Only);
- c. Recommend to City Council that Wofford be closed;
- d. No more than a 10,000 sq. ft. footprint with no more than 2 stories be available to them per 6.9 acres owned;
- e. a 25 ft. landscape buffer; and,
- f. that MAPC see the site plan and review it.

Mr. Day seconded the motion. Collins voted aye. Day voted aye. Roberts voted aye. Krennerich voted aye.

Halsey voted aye. Harpole voted aye. Tomlinson voted aye.

This item was approved.

14. FP-07-01 - Ridge Estates Realty/Rick Turman requests final approval for PRAIRIE MEADOW SUBDIVISION PHASE I & II a 94-lot subdivision on 30.61 acres located north of Flemon Rd.

Carlos Wood came forward as proponent for this item. Mr. Wood read some comments from planner and commented on those as follows:

The open ditches on the lot. We removed that open ditch on the west lot line and put storm drain all along the street. We don't see that flow to the neighbor will be a problem since this area will be a grass area. We will be elevating those lots 15 inches so that they will drain onto the street. Commissioners had concerns about removing the ditch and having neighbors flooded.

Cindy Prince came forward to discuss the drainage issues with photographs. Mrs. Prince stated that the water in their yard shows that the drainage isn't working. She asked this item not be approved until something is done with the drainage. The commissioners discussed the drainage issues in that area with Mrs. Prince.

Dr. Sanders stated that the drainage has been worse since they leveled the land for the subdivision in that area. This is one of the hot spot drainage issues.

The owner has leveled the property but does not have a detention pond yet. He was going to build it after final approval. The detention pond is designed to have the 25-year post-development flow hold a 10-year pre-development flow. In the 100-year pre-development flow will be held when we have a 100-year post-development flow. The design will hold back the present 10-year flow.

City Planner Spriggs stated that the interim city engineer has been in review of this proposal but is having difficulty to review these items thoroughly in the short amount of time. Action must be taken on items after 30 days by the MAPC or the item is approved.

Mr. Wood stated that they did not have pipe shown on the rear of the lots because they were going to do a small swell not a large one. There would be a street out to the west. MAPC asked for sod to be on the detention area but did not know which drawing to put that on, the record plat or the drainage plat, so we did not put that on there. Also, we didn't know what plat to put the fencing on so we did not do that. Is there a recommendation for that?

City Planner Spriggs stated that they did not have a problem with that. We just didn't see it in our review and wanted to make sure it is on record. Mr. Tomlinson asked if they should stipulate the detention pond be fully operational before any improvements are made. City Planner Spriggs stated that the construction of the detention pond could be stipulated but that the city engineer won't release the planning department to record the final plat unless he is satisfied with the final calculations and the issues that he puts into his report. Mr. Wood stated that there was no problem with the owner in doing that.

Mr. Wood stated that he would withdraw the item and bring back a grading plan. Mr. Wood asked which drawing that he needed to put the fence on? City Planner Spriggs stated he didn't see a problem putting it on the record plat.

15. FP-07-02 - Dixie Land Development requests final approval for CREEK PLACE a 14-lot commercial subdivision on 22.97 acres located on Forrest Home Rd. between Stadium and Bittle.

Mr. George Hamman came forward as proponent for this item. Mr. Hamman stated that they had addressed the comments that they had received on the preliminary and he had submitted those to Mr. Panneck. The detention has been regionalized into two large ponds so that none of the future developments will have to worry about detention. Mr. Panneck has not thoroughly reviewed hydrology but has forwarded a memo about the increase in a couple of easement sizes and we have no opposition to that at all.

City Planner Spriggs stated that the city engineer had forwarded his final review comments with conditions and staff has reviewed it and as stated in the preliminary, we supported sidewalks in this development. The developer would like to have a bill of assurance that each developer of the lot would develop the sidewalks themselves. Our concern with this area was the connectivity and we want to require it now instead of putting them in later which could be an issue to the city. Mr. Collins stated that the City cannot enforce a bill of assurance and Mr. Hamman stated that he would be glad to put that on the record plat that sidewalks are required on each parcel but that it will be up to the developer of each lot to put in the sidewalks. Each lot that is sold will have to come through the planning department with their own site plans. Mr. Krennerich worried that each lot would not build their sidewalk and then there would be a lot with sidewalk and the next lot may not have one because the lot isn't developed. City Planner Spriggs commented that the concern is where the sidewalks will be placed. For example, at the mall, the sidewalks actually traverse the whole corridor, but where the development is currently along Highland, there are no sidewalks at all. There are curb and gutter on the Stadium frontage.

Mr. Collins made a motion to approve based upon the engineering comments; providing cross-access off of Stadium onto Creek Street; cross-access between lots 13 and 14, and lots 1 and 2; curb cuts off of Stadium between lots 13 and 14 and lots 1 and 2; street access from Stadium to Creek Street; curb cuts off of Forest Home Road between lots 1 and 3, 4 and 5, 6 and 7; and, the revision of the detention between lots 1 and 2 to allow for the cross-access. Mr. Krennerich seconded. Mr. Collins voted aye. Mr. Day voted aye. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Harpole voted aye. Mr. Tomlinson voted no.

This item was approved.

16. Administration items:

- a. N. Church St. property/Kathy Jones
- b. Fee Schedule
- c. Sign Code

a. City Planner Spriggs stated that this is a 30 day impound site. This would be an impound lot for police seizures as a rotational 30 day limitation. This would be a permanent use for the impound lot. This lot is currently C-3 but doesn't include an impound lot for its list of uses. If you are looking at junk yard and salvage it would fall into I-2, but these vehicles are not going to be wrecked. Mr. Krennerich made a motion to recommend to the City Council that this lot be changed to a C-3 LU for an impound lot with a stipulation that it be screened. Staff is just asking for the direction to proceed. It is presently C-3 and we would like to limit the C-3. If there was a used car lot the cars would be kept clean and could possibly be there longer than 30 days. As long as they bring it up to code with screening and buffering there are no concerns with the commissioners.

b. Unless there are some major changes City Planner Spriggs wanted to move this on to Public Works and then to City Council. Mr. Krennerich made a motion to move it on to Public Works and to City Council for



adoption. Mr. Halsey seconded. Collins voted aye. Day voted aye. Roberts voted aye. Krennerich voted aye. Halsey voted aye. Harpole voted aye. Tomlinson voted aye.

c. The PUD discussion was tabled and City Planner Spriggs stated that this item has been addressed and the developers are in support and we are ready to send this on to Public Works and City Council. Mr. Halsey moved to untable this item. Mr. Collins seconded. All voted aye to untable. Mr. Krennerich made a motion to send this on to Public Works and to City Council for adoption. Mr. Halsey seconded. Mr. Collins voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Harpole voted aye. Mr. Tomlinson voted aye.

Meeting was adjourned at 8:45 PM.