

City of Arkadelphia
Board of Zoning Adjustment and
Planning Commission Meeting
January 13, 2022 at 5:30 p.m.
City Hall Boardroom, 700 Clay Street
Arkadelphia, Arkansas 71923

AGENDA

1. Call the Board of Zoning Adjustment to order.
2. Staff Report for MBBB, LLC's variance request
3. Public Hearing to consider MBBB, LLC's variance request to reduce the front yard setback and to reduce the required off-street parking spaces at 3026 Pine Street.
4. Adjourn Board of Zoning Adjustment
5. Call the Planning Commission to order.
6. Consider the December 9, 2021 Planning Commission minutes.
7. Consider the 2022 PC/BZA meeting dates
8. Building Department Report, DeAnna Graves
9. Other business – need your Statement of Financial Interest
10. Adjourn Planning Commission



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

Date: January 5, 2022

To: Board of Zoning Adjustment

Cc: Gary Brinkley, City Manager; City Board of Directors; and Ed McCorkle, City Attorney

From: DeAnna Graves, Building Department Manager

Re: MBBJ, LLC's variance request to reduce the required front yard setback and reduce the required number of off-street parking spaces at 3026 Pine Street.

MBBJ, LLC is proposing to construct an additional 2750 square feet of retail space to their existing building located at 3026 Pine Street.

The owner's proposal is to extend the building 25 feet towards Pine Street. This will require a variance approval on the front yard setback from 25 feet to 8.5 feet from the street right-of-way.

Additionally, the owners are requesting to reduce the required number of off-street parking from 86 to 75 spaces which is based off the total retail square footage of the building less areas not for public as stated below:

Code of Ordinances 14.04.05, Article 5-8.E.10 - Commercial establishments not otherwise classified shall have one parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.

As required, a legal notice was published in The Southern Standard on December 30, 2021. The adjacent property owners were notified by certified return receipt mail. No objections were received.

Land Use Ordinance B-425, Art. 7-4, *Variance*

- A. *The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provision of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.*
- B. *The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.*
- C. *The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.*
- D. *The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property.*

Staff has concerns about the front yard setback of only 8.5 feet from the highway street right-of-way.

Application No. 193

Filing Date: 12/22/21

CITY OF ARKADELPHIA
APPLICATION FOR HEARING

TO THE ARKADELPHIA BOARD OF ZONING ADJUSTMENT:

Application is hereby made to the Arkadelphia Board of Zoning Adjustment pursuant to the Arkansas laws, Act of 186 of 1957, Acts of Arkansas, as amended, requesting a hearing related to the following described property:

- 1) Please attach legal description: See attachment
- 2) Street address or approximation thereof: 3026 Pine Street
- 3) Title of this property is vested in MBJB LLC

Address: 3026 Pine Street, Arkadelphia, Arkansas 71923

There are **no** deed restrictions pertaining to the variance or appeal requested herein. Any restrictions are described _____

- 4) The hearing is requested for the following reason:

- () Appeal from a decision of the City Engineer concerning his interpretation of the zoning regulations.

Explain: _____

Zoning Article # _____

- (X) Request for a variance from the zoning regulations due to unique characteristics of the property.

Explain: Requesting to reduce the minimum front yard setback of 25' from R-O-W when parking is on side yard to 8.5' from R-O-W and to reduce the required off-street parking spaces from 86 to 75.

Zoning Article # 14.04.02 (Article 3-5) Highway Commercial District (C-2) Section B.1 and Article # 14.04.05 (Article 5-8) Section E.10

- 5) A map of the subject property is enclosed herewith as a means of illustrating the problem of concern. Where applicable, the map shows (1) the approximate dimensions of property lines and adjoining rights-of-way, (2) approximate outline location of buildings with appropriate dimensions, and (3) land uses and owners' names of adjacent properties.
- 6) It is understood that the Notice of Public Hearing will be published at least 7 days prior to said hearing in a newspaper of general circulation in the City. A publication fee of fifty dollars (\$50.00) and a filing fee of five dollars (\$5.00) will be paid to the Building Department. Total fees \$55.00.

\$55.00 received on 12/22/21
Receipt # 8830

Check # 12803
Rec'd by: Deanna Davis

- 8) It is understood by the applicant that the Board of Zoning Adjustment may request that additional notice of said public hearing be given to certain interested persons and organizations.
- 9) Submit original with attachments to the City Engineer at least **ten working days prior to hearing date**. Use Additional sheets if above spaces are inadequate.
- 10) Under penalties of perjury, I declare that I have examined this petition, including accompanying materials and statements, and to the best of my knowledge and belief, it is true, correct and complete.

Respectfully submitted,

Signature of applicant Mark Burnham

Address 3026 Pine St

Telephone (870) 246-5824

(Do not write below this line)

CITY OFFICIAL:

Date: 12/20/2021

Filing Date 12/22/21

Are all ten points of application in order? yes

Required number of copies mailed? yes

Time and date of public hearing 5:30 pm January 13, 2022

Notice published (newspaper and date) The Southern Standard January 6, 2022

Copy attached? _____

Application approved by the Board of Zoning Adjustment? _____

Date: _____ Reasons: _____

Board's action was () was not () appealed to a court of record:

Date appealed _____

Court of record action on appeal _____

Signature of City Official _____

Date _____

ATTACHMENT 1
FOR
MBJB, LLC
3026 PINE STREET

A PART OF THE NE/4 NE/4, SECTION 24, TOWNSHIP 7 SOUTH, RANGE 20 WEST DESCRIBED AS BEGINNING AT A POINT 218' EAST OF THE NW CORNER OF SAID NE/4 NE/4 AND RUN THENCE EAST 221'; THENCE SOUTH 990' TO THE CENTER OF THE ARKADELPHIA-OKOLONA ROAD; THENCE IN A WESTERLY DIRECTION ALONG THE CENTER OF SAID ROAD 221'; THENCE NORTH APPROXIMATELY 1000' TO THE POB, CONTAINING 5 ACRES, MORE OR LESS.

3021e Pine Street

NE/C
NE/4 NE/4
SEC. 24, T7S, R20W
1" IRON ROD FD.

N87°30'12"W
221.00'

N87°30'12"W
623.95'

S02°40'04"W
582.50'

N02°24'17"E
545.66'

N
BASIS FOR
BEARINGS
GPS OBS.

HARDMAN
LUMBER
COMPANY
BUILDING

DRIVE AND
PARKING LOT

EDGE OF
PARKING
LOT

PARKING LOT

WALK
N175°39'21"E
44.45'
S89°15'19"E
100.54'
WALK
N88°22'29"E
100.54'

CENTERLINE ARKANSAS HIGHWAY #8
PINE STREET

8.5' from ROW

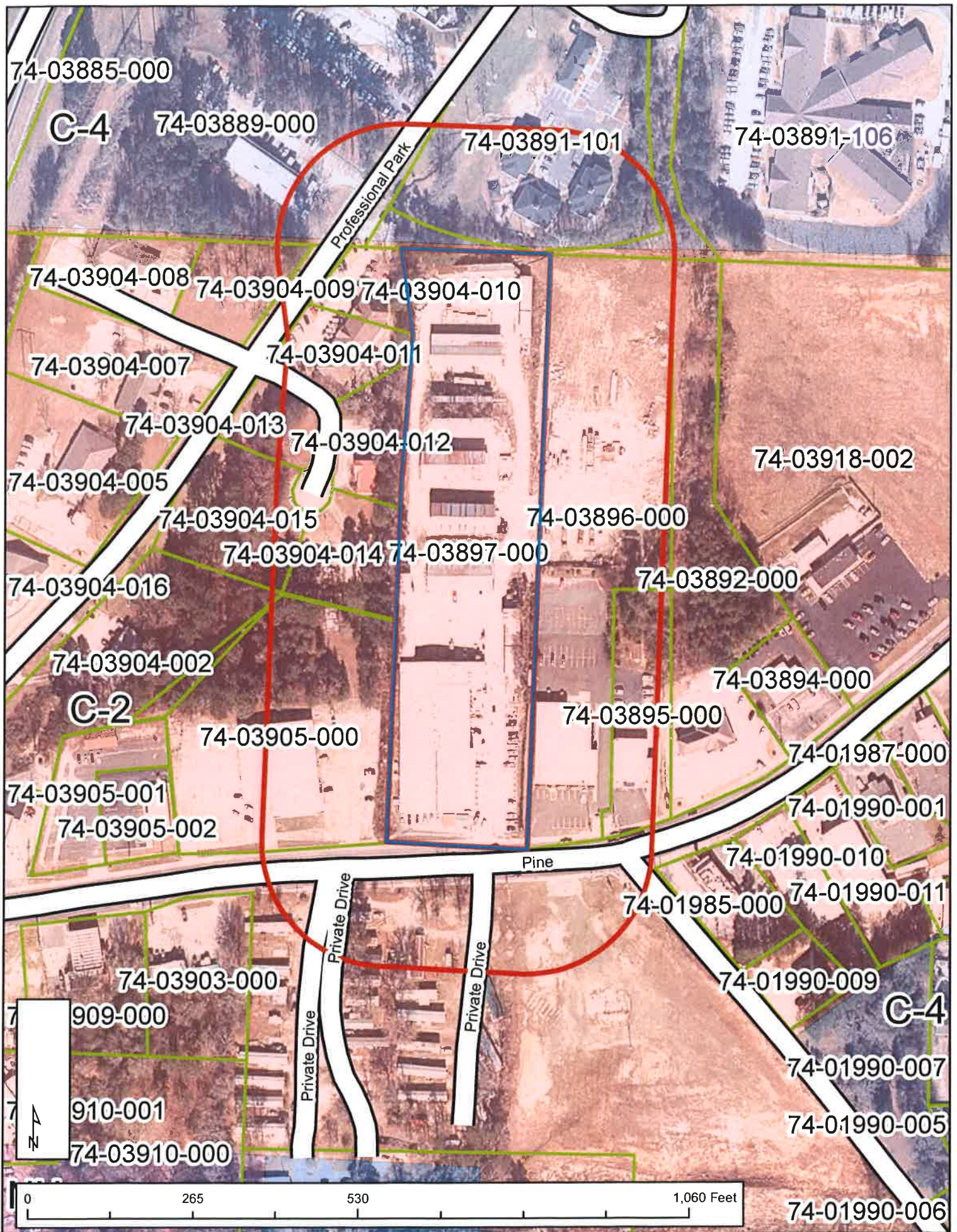


MONUMENT FOUND Δ
DATE: 11/9/2021
SCALE: 1 IN. = 80 FT.
FILENAME: HARDMAN21 BLD LOC

PROPERTY SURVEY FOR HARDMAN LUMBER COMPANY
PART OF SEC. 24, T7S, R20W
CLARK COUNTY, ARKANSAS

DATE: 11/9/2021 SCALE: 1 in. = 80 ft

QUACHITA-BALINE SURVEYING INC.
309 CRITTENSEN STREET
ARRADELPHIA, ARKANSAS 71923
PH. 870.245.2054 501.693.8548 870.836.8301





Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

December 21, 2021

Kingwood Real Estate, LLC.
P.O. Box 1290
Monticello, Arkansas 71657

Dear Property Owner:

This letter is to notify you of MBBB, LLC's request for a front yard setback variance to construct an addition to their existing building and to reduce the required number of parking spaces located at 3026 Pine Street. This property is adjacent to property you own.

The property is located in C-2 Highway Commercial District. The minimum required front yard setback is 25 feet from the street right-of-way line. They are requesting to reduce the minimum required front yard setback from 25 feet to 8.5 feet from the street right-of-way line. The parking requirement, based on the square footage of the building including the addition, is 86 parking spaces. They are requesting to reduce the number of required parking spaces from 86 to 75.

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on January 13, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to consider MBBB, LLC's request for variances from the front yard setback and the required parking spaces at 3026 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 21st day of December 2021. By: Samantha Roybal, City Clerk.

Please feel free to call the Building Department for additional information.

Sincerely,

A handwritten signature in blue ink that reads 'DeAnna Graves'.

DeAnna Graves

Encl. (2)



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

December 21, 2021

LWAGG, LLC.
3030 Pine Street
Arkadelphia, Arkansas 71923

Dear Property Owner:

This letter is to notify you of MBBB, LLC's request for a front yard setback variance to construct an addition to their existing building and to reduce the required number of parking spaces located at 3026 Pine Street. This property is adjacent to property you own.

The property is located in C-2 Highway Commercial District. The minimum required front yard setback is 25 feet from the street right-of-way line. They are requesting to reduce the minimum required front yard setback from 25 feet to 8.5 feet from the street right-of-way line. The parking requirement, based on the square footage of the building including the addition, is 86 parking spaces. They are requesting to reduce the number of required parking spaces from 86 to 75.

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on January 13, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to consider MBBB, LLC's request for variances from the front yard setback and the required parking spaces at 3026 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 21st day of December 2021. By: Samantha Roybal, City Clerk.

Please feel free to call the Building Department for additional information.

Sincerely,

A handwritten signature in blue ink that reads 'DeAnna Graves'.

DeAnna Graves

Encl. (2)



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

December 21, 2021

River Oaks Apartments Limited Partnership
8424 Counts Massie Rd, Suite 1
Maumelle, Arkansas 72113

Dear Property Owner:

This letter is to notify you of MBBJ, LLC's request for a front yard setback variance to construct an addition to their existing building and to reduce the required number of parking spaces located at 3026 Pine Street. This property is adjacent to property you own.

The property is located in C-2 Highway Commercial District. The minimum required front yard setback is 25 feet from the street right-of-way line. They are requesting to reduce the minimum required front yard setback from 25 feet to 8.5 feet from the street right-of-way line. The parking requirement, based on the square footage of the building including the addition, is 86 parking spaces. They are requesting to reduce the number of required parking spaces from 86 to 75.

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on January 13, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to consider MBBJ, LLC's request for variances from the front yard setback and the required parking spaces at 3026 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 21st day of December 2021. By: Samantha Roybal, City Clerk.

Please feel free to call the Building Department for additional information.

Sincerely,

A handwritten signature in blue ink that reads 'DeAnna Graves'.

DeAnna Graves

Encl. (2)



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

December 21, 2021

Executive Professional Center
P.O. Box 397
Arkadelphia, Arkansas 71923

Dear Property Owner:

This letter is to notify you of MBBJ, LLC's request for a front yard setback variance to construct an addition to their existing building and to reduce the required number of parking spaces located at 3026 Pine Street. This property is adjacent to property you own.

The property is located in C-2 Highway Commercial District. The minimum required front yard setback is 25 feet from the street right-of-way line. They are requesting to reduce the minimum required front yard setback from 25 feet to 8.5 feet from the street right-of-way line. The parking requirement, based on the square footage of the building including the addition, is 86 parking spaces. They are requesting to reduce the number of required parking spaces from 86 to 75.

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on January 13, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to consider MBBJ, LLC's request for variances from the front yard setback and the required parking spaces at 3026 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 21st day of December 2021. By: Samantha Roybal, City Clerk.

Please feel free to call the Building Department for additional information.

Sincerely,

A handwritten signature in blue ink that reads 'DeAnna Graves'.

DeAnna Graves

Encl. (2)



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

December 21, 2021

Anthony Timberlands, Inc.
P.O. Box 137
Bearden, Arkansas 71720

Dear Property Owner:

This letter is to notify you of MBBJ, LLC's request for a front yard setback variance to construct an addition to their existing building and to reduce the required number of parking spaces located at 3026 Pine Street. This property is adjacent to property you own.

The property is located in C-2 Highway Commercial District. The minimum required front yard setback is 25 feet from the street right-of-way line. They are requesting to reduce the minimum required front yard setback from 25 feet to 8.5 feet from the street right-of-way line. The parking requirement, based on the square footage of the building including the addition, is 86 parking spaces. They are requesting to reduce the number of required parking spaces from 86 to 75.

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on January 13, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to consider MBBJ, LLC's request for variances from the front yard setback and the required parking spaces at 3026 Pine Street. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 21st day of December 2021. By: Samantha Roybal, City Clerk.

Please feel free to call the Building Department for additional information.

Sincerely,

A handwritten signature in blue ink that reads 'DeAnna Graves'.

DeAnna Graves

Encl. (2)

REGULAR CALLED MEETING
PLANNING COMMISSION/BOARD OF ZONING ADJUSTMENT
Board Room December 9, 2021 5:30 P.M.

MEMBERS:

Diedra Middleton
Llewellyn Terry
Bill Phelps
Lawrence Phillips (absent)
Tom Tobin (absent)
Gracie Neal
Terry Roberts
Matt Johnson

OTHERS:

Gary Brinkley, *City Manager*
Samantha Roybal, *City Clerk*
DeAnna Graves, *Building Dept. Manager*

CALL TO ORDER

The Chairman called the Planning Commission meeting to order at 5:31 p.m.

PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST BY WESLEY & FREDDIE MAE BUTLER 5:33 P.M.- 5:42 P.M.

Welsey Bulter & Freddie Butler are requesting to replace a manufactured home in a Medium Density Residential Use District (R-2). Manufactured homes are not permitted use in an R-2 zoning district.

Welsey Bulter spoke on behalf of the request.

A motion was made by Llewellyn, seconded by Gracie Neal to approve Welsey Bulter & Freddie Mae Bulter request to replace a manufactured home in an R-2 zoning district

The motion passed on a roll call vote and the vote was as follows:

Diedra Middleton	“Aye”	Lawrence Phillips	“Absent”
Llewellyn Terry	“Aye”	Gracie Neal	“Aye”
Bill Phelps	“Nay”	Terry Roberts	“Nay”
Tom Tobin	“Absent”		
Matt Johnson	“Nay”		

PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST BY THE UNIQUE CORP & MATTHEW PITTMAN 5:44 P.M.-5:46 P.M.

The Unique Corp & Matthew Pittman are requesting a variance to reduce the minimum lot area from 10,000 square feet to 9,310 square feet; to reduce the minimum lot width from 100 feet to 92 feet and to reduce the rear yard setback from 20 to 10 feet in order to construct a commercial business located at 134 & 138 N 14th Street.

Matthew Pittman spoke on behalf of the request.

A motion was made by Matt Johnson, seconded by Diedra Middleton to approve the Unique Corp & Matthew Pittman’s variance request

The motion passed on a roll call vote and the vote was as follows:

Diedra Middleton	“Aye”	Lawrence Phillips	“Absent”
Llewellyn Terry	“Aye”	Gracie Neal	“Aye”
Bill Phelps	“Aye”	Terry Roberts	“Aye”
Tom Tobin	“Absent”		
Matt Johnson	“Aye”		

ADJOURNMENT

A motion was made by Diedra Middleton, seconded by Gracie Neal to adjourn the Board of Zoning at 5:46.

CALL TO ORDER

The Chairman called the Planning Commission meeting to order at 5:47 p.m.

**APPROVAL OF PLANNING COMMISSION/BOARD OF ZONING
ADJUSTMENT MINUTES FROM NOVEMBER 18, 2021**

A motion was made by Matt Johnson seconded by Gracie Neal to approve the minutes from the October 14, 2021, Planning Commission meeting.

The motion passed on a roll call vote and the vote was as follows:

Diedra Middleton	“Aye”	Lawrence Phillips	“Absent”
Llewellyn Terry	“Aye”	Gracie Neal	“Aye”
Bill Phelps	“Aye”	Terry Roberts	“Aye”
Tom Tobin	“Absent”		
Matt Johnson	“Aye”		

**PUBLIC HEARING TO CONSIDER MILL CREEK INVESTMENT’S REQUEST
FOR PRELIMINARY PLAT FOR SOUTHRIDGE CROSSING PHASE 1**

Mill Creek Investments submitted a geometric design for Phase 1 of Southridge Estates Subdivision located West of W.P. Malone Drive and just North of the Arkadelphia Public Schools. Phase 1 will consist of 29 smaller lots varying in size non greater than 0.72+- acres.

Eric Richardson, representing Richardson Engineering, spoke on behalf of the request of Mill Creek Investment.

A motion was made by Matt Johnson, seconded by Gracie Neal to approve Mill Creek Investment Preliminary Plat for Southridge Crossing Phase 1.

The motion passed on a roll call vote and the vote was as follows:

Diedra Middleton	“Aye”	Lawrence Phillips	“Aye”
Llewellyn Terry	“Absent”	Gracie Neal	“Aye”
Bill Phelps	“Absent”	Terry Roberts	“Aye”
Tom Tobin	“Absent”		
Matt Johnson	“Aye”		

ADJOURNMENT

There being no further business to discuss, Diedra Middleton made the motion, seconded by Matt Johnson to adjourn. **The motion passed unanimously, and the meeting adjourned at 6:03 p.m.**

Bill Phelps, Chairman

Samantha Roybal, Recorder

ADDITIONAL ATTENDEES

Matthew Pittman
Jennifer Pittman
Andrew Pittman
Nicky Goff
Kyle Smith
Charlotte Crone
Patsy Matthews
Eric Richardson
Wesley Butler



Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 77923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

Date: January 4, 2022

To: Planning Commission / Board of Zoning Adjustment Members

From: DeAnna Graves, Building Department Manager *dg*

Re: BZA/PC Meeting Dates

Here are the proposed dates for the 2022 Board of Zoning Adjustment and Planning Commission meetings.

February 10, 2022

March 10, 2022

April 14, 2021

May 12, 2021

June 09, 2021

July 14, 2021

August 11, 2021

September 8, 2021

October 13, 2021

November 10, 2021

December 8, 2021

Looking forward to working with each of you this year.

***BUILDING DEPARTMENT STAFF REPORT**

January 5, 2022

DEVELOPMENT IN PROCESS:

- Dairy Queen – Fire Door will be 12-14 weeks before installation
- OBU Softball Complex Improvements – installing roofing, rough-in electrical completed
- Tate Temple COGIC — Framing interior, HVAC and Electrical are in process
- Regions Bank – interior painting and flooring being done
- Ouachita Valley Meats – Ground work is done / plans are approved for permit
- OBU Apartments – Foundation poured, framing in progress
- 101 Cedar Cove – Single Family Dwelling framing in progress
- 101 Aspen Cove - Single Family Dwelling – ready for foundation
- 806 S 25th Street – Single Family Dwelling – not started
- Hammonds House conversion – poured slabs - Still waiting on plans for the remodel
- Unique Barber Shop – Permit issued, in-slab plumbing completed, foundation slab ready to be poured

FUTURE PROJECTS

- CenterPoint to move gas lines for the expansion of Pine Street.
- Braums – deal is done awaiting plans
- 25th and Haddock – possible Veterinary Clinic
- Single Family Dwelling - 109 Birch Cove on hold until spring
- Health Department – waiting on revised plans