



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, September 27, 2016

5:00 PM

Municipal Center

Special Called Meeting

1. CALL TO ORDER BY MAYOR PERRIN AT 5:00 P.M.

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2. ROLL CALL BY CITY CLERK DONNA JACKSON

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Councilmen Woods, Frierson and Vance left at 6:10 p.m.

Mayor Perrin was not in attendance.

Present 11 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

Absent 1 - Chris Moore

3. NEW BUSINESS

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COM-16:080

Discussion concerning City Council rules and procedures and zoning requirements and Chapter 117

Councilman Burton noted Councilman Moore informed him that he is stuck at a job site and won't be able to attend the meeting, but he did forward some information to him.

Councilman Burton explained he has not received any emails from anyone other than the texts he received from Councilman Moore. City Attorney Carol Duncan stated she spoke with Councilman Frierson a while ago about some suggestions, but she hasn't heard anything from the rest of the council.

Councilman Street stated his main concern is that schools are contacted for rezonings that affect their area and resources. The citizens should be given consideration who live within a certain proximity. City Planner Derrel Smith explained the current procedure is to notify people within 200 feet completely around the property. Councilman Street suggested increasing the 200 feet. He noted that with high density multi-family it may impact more than just the immediate area within 200 feet.

Councilman Dover asked Mr. Smith if he had any suggestions as to improvements to the procedure. Mr. Smith explained it's not bad the way it is and is similar to other

zonings around the state. Adding a larger notification area would probably help, usually you see more than 200 feet. He noted the 200 feet stipulation is for a conditional use, not rezonings, but it wouldn't hurt to put that with rezonings. Any time a public hearing is held you need to notify property owners. If it's done with conditional uses, he doesn't see why you wouldn't do it for rezonings as well. He would recommend a minimum of 300 feet and have that in place for all public hearings, including BZA. He likes the way the city puts together their recommendations for the MAPC and it is noted in their recommendations if it doesn't fit the qualifications. They need to ensure the long-range plan is a workable document that can be used. It doesn't have to be a hard line in the sand, but it does have to be something that can be depended on.

Councilman Burton noted the long-range plan drastically changed with the last change. He encouraged the other council members to read and understand the plan. They were used to looking at the plan based on zoning sectors, but it's now based on growth sectors which are more broad and subjectively, allowing just about anything to be put anywhere. Councilman Dover agreed, adding that he thinks the long-range plan has taken out common sense. He explained sometimes you can look at something and know it doesn't fit, but the rules say you can put whatever you want there as long as it doesn't break the rules. Councilman Burton added he thinks the land use plan puts the city at a lot of risk of that.

Councilman Dover further explained he would like the Council to be able to consider property owners who buy property at a certain zoning, then can't sell it so they want the city to bail them out. He doesn't think it's the council's job to bail out banks and other investors because they knew what it was zoned when it was bought. Ms. Duncan noted that would be part of criteria F, which they have already discussed taking out completely. Mr. Smith said that could be a consideration, but not something they base their decision on. Councilman Dover stated he thinks that should be taken out completely. Councilman Street agreed, noting it's irrelevant how long a piece of property has been vacant.

Mr. Smith provided the Council with a sample staff report that is used for rezonings (see attached handout). On page 4 is the list of criteria that is used to make a determination about a rezoning. Letter F is the criterion that is in question. Ms. Duncan suggested possibly taking out just the length of time the property has remained vacant, but leave the criteria that addresses the zoning at the time of purchase.

Councilman Burton read from Chapter 117-4 of the Jonesboro Code of Ordinances. He noted there are keywords in that wording that they need to keep in mind as to the purpose and how that compares with the seven criteria they look at for a rezoning. Councilman Frierson explained he is reluctant to take any of those criteria out, with the exception of Letter F, and to possibly add a stipulation outside of the seven criteria about increasing the notification area. The other criteria make sense to him and he would like to see them be the basis for developing the facts of the rezoning.

Councilman Burton suggested going through the seven criteria and see if they want to make any changes. He noted tonight is just a working meeting. Whatever is decided tonight they will take to the city attorney and work documentation up and look at it at least one more time.

Councilman Frierson asked that the Planning Department staff look over the procedures very carefully and discuss them, then come back with specific written recommendations for them to consider overall. He would like the city planner to look at everything and decide whether he thinks the city is doing their best overall and

present suggested changes. Mr. Smith stated schools get notification of every rezoning. Councilman Dover disagreed, saying that doesn't happen. Councilman Street stated there should be a written response back from the school board and send it back. Mr. Smith asked how often the school boards meet. Councilman Dover answered once a month. Mr. Smith noted that would extend the public notification time.

Councilman Dover referred to criteria Letter A – consistency of the proposal with the Comprehensive Plan/Land Use Map. He asked what is consistent about changing it. Mr. Smith explained the Land Use Map determines what can be developed in an area. The Land Use Map now is pretty broad. They are starting to put together a committee to review that map because it is time to review it again. The Land Use Map doesn't go by zones; rather, it goes by what can go there in the future. Councilman Frierson noted it is just a recommendation. Further discussion was held concerning the Land Use Map.

Councilman Street explained people who live in the nearby neighborhood should be able to weigh in on rezonings and the council should be able to take their concerns into consideration of the rezoning. He suggested adding that as a criteria. Ms. Duncan stated it could be public input within the 300 foot area as suggested earlier. Councilman Street added he thinks that would also depend on the neighborhood. Ms. Duncan answered she doesn't think they council could do that; that they need to make everyone follow the same standard. She suggested possibly changing the 300 feet to a larger number. It was suggested to change it to a quarter mile, but others expressed concern about the number of people that would include. Mr. Smith agreed that is a lot, but that there does need to be a set distance.

Councilman Burton explained they are dealing with two issues, one being the notification and the distance of those notifications. He further explained that no matter the number if there are 1,000 people who want to talk to them about an item, then they should be able to do so and the council should be able to weigh their statements into the decision. Councilman Long agreed, adding it doesn't matter how many people show up. If the council can't take their input into consideration, then the number of speakers doesn't matter. Ms. Duncan noted the council needs to look to look at input and their consideration, and notification as two different issues.

Councilman Frierson referred to Letter E – extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to any impact on property value, traffic, etc. He noted the council already has a criterion concerning the impact on surrounding properties. He doesn't see a need to change that other than the addition of the footage. Councilman Dover referred to times when they've been told that something is just their opinion, so it can't be used in a decision. Councilman Frierson asked who will have the burden of proving the impact. Councilman Dover stated he thinks the burden would lie on the developer. Councilman Street approved. Ms. Duncan noted it's easy to sway a study; a developer's study will usually be positive. Councilman Long added that then the council could be bound by the study as opposed to something else.

Lonnie Roberts, chair of the MAPC, explained that even though it's not written into the law they do weigh the concern of the neighbors. But, no one wants development in their area. There will be someone against everything they try to do, sometimes even large groups. Discussion was held concerning a proposed rezoning regarding a Casey General Store on Stallings that was approved by MAPC. Mr. Roberts explained the MAPC looked at all of the studies brought to them and listened to the engineering studies. He noted that, at times, lawsuits also weigh on the minds of the commissioners. They know if they turn a rezoning down and don't have a good

reason, then they could be put on the stand in a possible lawsuit.

Mr. Smith explained if a study is done for a multi-family development versus a single-family development and you look at the breakdown of the traffic engineers, they will show you multi-family produces less traffic than a single-family development. He asked the council to keep those things in mind because studies may not say what they want every time.

Mr. Roberts stated he wishes there was a way to know with upcoming developments how many units are already in those school districts. He then expressed concern about loading down developers with studies and making it cost-prohibitive to build in Jonesboro.

Mr. Smith explained in other areas he's worked in they tried not to put everything in one spot and negatively affect school districts; rather, they tried to spread things out. Councilman Burton asked how they tracked that information and how Jonesboro could track it. Mr. Smith explained they had a good relationship with the school district and they would tell his office what areas would have an abundance of multi-family. Ms. Duncan added that if you're spreading it out, then sometimes those developments could be against R-1 zonings. Mr. Smith noted it is a balancing act.

Councilman Burton asked how the need is determined. Mr. Smith explained they had an organization that would do quarterly reports regarding absorption rates and amount of square footage of single-family, multi-family, industry and commercial. They would look at that and be able to determine when commercial was too much or office are too much. Developers also looked at that information and started backing off types of projects whenever they saw fit. Councilman Burton asked if that could be done here. Mr. Smith said the possibility may be there, but there would be an expense. Councilman Long asked if that would be a function of the market because a developer won't build multi-family if they can't fill it. Councilman Burton stated multi-family can almost build their own market.

Ms. Duncan asked if Mr. Smith has any experience with giving developers incentives to renovate old buildings versus build new ones, possibly a tax incentive. That could be something that could be researched. Councilman Dover noted that the majority of their rezonings have been profit-driven, such as developers who sell their land because of a pending sale that is more profitable than development, versus an actual need for the development. That's why they are having issues with multi-family being developed in residential areas.

Councilman Burton explained they are just going down the list and coming up with ideas for changes to the criteria. They can bring the final changes back at a later meeting in a more formal manner.

Discussion was held concerning Letter B – consistency of the proposal with the purpose of Chapter 117-Zoning. Ms. Duncan explained it may also be beneficial for the council to get better about discussing the rules that are already in place, such as reading the purpose and stating whether or not a rezoning meets that purpose. Councilman Johnson agreed, adding there are times a rezoning may be consistent with the Land Use Plan but not the purpose of Chapter 117. Ms. Duncan added if they would use the purpose of Chapter 117 and discuss their concerns against a rezoning, then that would help any lawsuit defense that may be needed.

Councilman Long asked who determines the appropriate and best use of the land. Ms. Duncan stated the key will be articulating why they feel like something isn't the appropriate and best use.

Councilman Dover explained he would like some clarity as to Letters A, B and C regarding what developers can do or can't do to meet those criterions. He added he thinks those three sound about the same.

Councilman Long questioned a situation in which the rezoning would follow the Land Use Map, but not abide by what they think the purpose of the zoning code is. He asked which criteria would take precedence. Ms. Duncan explained she thinks it would go back to the way they chose to articulate their concerns. Not all of the criteria on the list must be given equal consideration, so she doesn't think one is over the other; rather, it's more about articulating why the purpose would be more important than the Land Use Plan. She added the city also has the MAPC who goes through the rezonings in detail, so if the council goes against their recommendation then they need to clearly articulate why.

Ms. Duncan referred to their suggestion of adding the school district board's opinions to the criteria. She explained they should consider putting a timeline on that so boards don't turn down a rezoning simply by not replying to it. For instance, a letter can be sent saying if the board doesn't respond within a certain amount of days, then it will be taken they don't object to the rezoning.

There were no comments or suggestions regarding Letter D – suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.

It was stated they may want to add school input and citizen (neighborhood) input into Letter E. Ms. Duncan noted that school input could also be put in Letter G.

Discussion was then held regarding the timing of the reports. Mr. Roberts stated if they could get it done before the MAPC meeting, then that would be great. But, there are concerns about it being cost-prohibitive. He noted the developers won't want to spend the money if the citizens are going to come out in numbers to oppose a rezoning. Mr. Smith explained it will have to be a on a case by case basis because not every development will require a traffic study. The size of the development, parking, and other factors will have to be taken into consideration. For instance, if there's not enough infrastructure there already to hold the traffic then they probably need to have the developers do a traffic study. But, if the development is going to be off a major artery and there's already infrastructure there to support the traffic and there's traffic signals, then he's not sure a traffic study is going to help. Ms. Duncan suggested looking at possibly having some studies done in-house before a rezoning goes to MAPC that wouldn't be overly burdensome on staff. If you have that information prior to the MAPC meeting, then certain decisions may be made differently and there may be less conflict between MAPC and Council decisions. Councilman Vance noted a traffic study is more important in the development stage as opposed to the zoning stage.

Councilman Burton then addressed drainage studies. Ms. Duncan suggested having those done within the city as opposed to having someone else determine how drainage will be affected. Councilman Vance added the Engineering Department does take care of those services. Councilman Burton said he thinks it's very important to look at drainage on the front-end whether it's in-house or an outside study. He would like to see a closer look at that issue. He suggested that drainage studies be included and emphasized. It may not be feasible to always do a traffic study, but it should be feasible to do a drainage study. Mr. Smith noted drainage improvements are usually looked at in development. Maybe they could get recommendations on drainage issues in the area and how they can be mitigated. If

it's just an opinion, then in-house recommendations would be the best option. Ms. Duncan added a lot of that information is already retrieved because prior to a rezoning the applicants already talk to the different departments and get their opinions. Mr. Smith noted on page 5 of the sample report is a listing of the different areas that were discussed. They could start putting more information in that table for the council.

With regards to Letter F, they pretty much agree to get rid of that section.

Discussion was held regarding Letter G – the impact of the proposed development on community facilities, etc. Councilman Dover suggested adding schools there.

Councilman Burton stated the purpose refers to protection against under-depreciation for single-family homes. He questioned how that is quantified and if it should be considered. Councilman Street explained he puts a lot of emphasis on single-family homeowners because the largest investment most average people make in their lives is their home. Councilman Johnson also noted that local multi-family developers they don't seem to have a problem with, but they have problems with non-local multi-family developers who don't keep up their property. He looks at those during his thought process. Mr. Smith noted that as they are looking at these procedures the city has to continue providing housing for everybody. The city has to have multi-family. Councilman Dover noted there is land out there distributed throughout the city that can be used for multi-family.

Ms. Duncan referred to Councilman Burton's question and explained that Letter E concerning detrimental effects on nearby property including property value would cover his concerns. The bigger question would be how to gauge that. Councilman Street answered that would be handled after development with a market analysis.

Councilman Burton asked Mr. Smith to help come up with a way to compile and quantify the need in Jonesboro in order to help them make decisions. Councilman Long asked if there would be criteria the need would be based on, such as vacancy rate and what the property would rent for. He noted need can be based on multiple aspects. Councilman Burton explained during the last study he doesn't think they quantified it correctly based on occupancy rate. They did flyers and windshield studies based on opinions from multi-family owners.

Councilman Burton stated at the next Council meeting they will call another meeting to finalize the details and vote it up or down.

Councilman Street asked if they were going to consider the rules and procedures. Councilman Burton suggested doing that at another time.

Mark Pillow, a resident in Ward 1, stated he was concerned about the HUD application and how it was going to affect the city, as well as the mixed multi-use housing solution requiring a realignment of public transportation. But, after the discussion he thinks they are more on the same page than what they realize. Sometimes it's easier not to move the ethnically and economically isolated communities into other neighborhoods, but to incentivize the development of higher end young couples into those areas and cause a dilution effect.

Harold Carter, 902 Tony Drive, stated this will require more time spent by the MAPC and inevitably the City Council in order to consider everything. They will have to clearly and articulately consider everything. This will take several times more than what is being spent on it now. But, it will produce much better results and make more sense.

This item was Filed.

4. ADJOURNMENT

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A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Todd Burton and Robert Long

Absent: 4 - Charles Frierson;Chris Moore;Gene Vance and Rennell Woods

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk