



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, April 4, 2017

5:30 PM

Municipal Center

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### PUBLIC SERVICES COMMITTEE SPECIAL CALLED MEETING AT 4:30 P.M.

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### PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

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### 1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

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### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

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### 3. ROLL CALL BY CITY CLERK DONNA JACKSON

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**Present** 10 - Darrel Dover; Ann Williams; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent** 2 - Charles Frierson and Chris Moore

### 4. SPECIAL PRESENTATIONS

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**COM-17:013**

PROCLAMATION TO THE WESTSIDE HIGH SCHOOL STATE CHAMPION BOWLING TEAM

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**Read**

**COM-17:020**

PROCLAMATION FOR JUNIOR AUXILIARY WEEK BY MAYOR PERRIN

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**Read**

**5. CONSENT AGENDA**

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*Approval of the Consent Agenda*

**A motion was made by Councilman David McClain, seconded by Councilman Bobby Long, to Approve the Consent Agenda. The motioned PASSED**

**Aye:** 10 - Darrel Dover; Ann Williams; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 2 - Charles Frierson and Chris Moore

**MIN-17:035**

Minutes for the City Council meeting on March 21, 2017

[play video](#)

**Attachments:** [Minutes](#)

**This item was approved on the Consent Agenda.**

**RES-17:031**

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO APPLY FOR THE 2017 GENERAL IMPROVEMENT FUNDS (GIF) THROUGH EAST ARKANSAS PLANNING AND DEVELOPMENT DISTRICT (EAPDD)

[play video](#)

**Attachments:** [Opticom GIF Application Request - 03152016](#)

**This item was approved on the Consent Agenda.**

**RES-17:037**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO AMEND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A FULL-TIME POSITION OF SOCIAL MEDIA COORDINATOR IN THE COMMUNICATIONS DEPARTMENT

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**Attachments:** [Social Media Coordinator](#)

**This item was approved on the Consent Agenda.**

**RES-17:038**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO AMEND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD THREE (3) FULL-TIME POSITIONS TO THE COURT SERVICES DEPARTMENT

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**Attachments:** [Court Services Officer - 32460](#)  
[Senior Court Services Officer - 32461](#)

**This item was approved on the Consent Agenda.**

**6. NEW BUSINESS**

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**RES-17:032**

RESOLUTION TO MAKE APPOINTMENTS & REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR PERRIN

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*Councilman McClain wanted to know who all was nominated before he voted and gave his ok. Mayor Perrin stated that when we get these, some are just reappointments, but anything that is a new appointment, the council gets a copy of the resumes beforehand. In many cases of new appointments, we only have the one or so. Mayor Perrin stated he thought the council received those. Councilman McClain said that was correct, but he didn't see the names using this format. City Clerk Donna Jackson asked if he was referring to how it appears on the agenda. Councilman McClain said yes. Ms. Jackson said she was going to make that recommendation that whenever these are entered, we need to start putting the committees and who is being recommended instead of just the title.*

*Councilman Vance asked if you could see it under the resolution. Ms. Jackson said yes, but the press and everyone that gets the agenda only sees the title and they have no idea of who is being appointed. She said many resolutions have titles that are self-explanatory with the exception of appointments and condemnations. Mayor Perrin stated that adding that information to the title would be no problem. He said the agenda is on the website by 4:00 p.m. on Thursday. Ms. Jackson said the agenda is done by 10:00 a.m. on Thursday, but the Mayor has until 4:00 p.m. to make any changes.*

**A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed. The motion PASSED with the following vote.**

**Aye:** 10 - Darrel Dover; Ann Williams; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 2 - Charles Frierson and Chris Moore

**ORDINANCES ON FIRST READING**

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**ORD-17:016**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM CR-1 LUO TO C-3 LUO FOR PROPERTY LOCATED AT 2904 AND 2906 STALLINGS LANE AS REQUESTED BY SHARON STALLINGS

[play video](#)

**Attachments:** [Plat](#)  
[Staff Summary - Council](#)  
[Application](#)  
[Haag Brown Info](#)  
[Table Use](#)  
[2000 Picture](#)

Councilman Gibson offered by title only.

Held at one reading

## **7. UNFINISHED BUSINESS**

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### ORDINANCES ON THIRD READING

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#### **ORD-13:020**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-7 AND R-1 TO PD-RM FOR PROPERTY LOCATED AT KEELY AND LEXEE STREETS AS REQUESTED BY UNICO BANK

[play video](#)

**Attachments:**

[Plat](#)

[MAPC Report](#)

[MAPC Record of Proceedings December 11 2012](#)

[MAPC Record of Proceedings March 12 2013](#)

[Opposition material](#)

[Opposition petition](#)

[Court Order](#)

[Storm Water Report](#)

[UALR Study.pdf](#)

[Jonesboro Code 117-34.pdf](#)

[Zoning Amendment Land Use Consistency Table.pdf](#)

[Mark Nichols.Traffic Operations Engineer. Email 4-5-13.pdf](#)

[Application as presented to MAPC.pdf](#)

[Application.Page 1 revised 3.7.13.pdf](#)

*Don Parker, representing Unico Bank and the Watson Family Trust, came to the podium to speak. He stated that there are two representatives from Unico Bank here tonight, Jonathan May, the President of Unico, and Barry LaFarlette, the Senior Vice-President of Unico. As you are aware, tonight you are reconsidering this rezoning petition by order of Circuit Judge John Fogleman. As Yogi Berra might say, "It's deja vu all over again." If you have read Judge Fogleman's order, he was clear that zoning decisions are to be made by the City Council and not by the courts unless those decisions are arbitrary, capricious or unreasonable. I have given you all a handout with a number of documents. If you will look at Tab A, if you don't have it handy, there is a copy of Judge Fogleman's order. Judge Fogleman directed this Council to follow its own ordinances and to specifically consider the approval criteria contained in Jonesboro City Ordinance 117-34. That ordinance is at Tab E for your reference if you don't have that handy. The Judge recognized that the MAPC is only an advisory body when it comes to zoning and rezoning; however, when the MAPC thoroughly studies a proposal, considers the criteria mandated by City ordinances and makes a recommendation to the City Council for rezoning of property, Judge Fogleman stated that the City Council appears to act arbitrarily or capriciously if it departs from the MAPC's recommendation without a sound basis. Judge Fogleman went on to observe that if the Court were to find that the MAPC's recommendation*

*was meaningless, and the City Council could ignore the recommendation, Unico Bank would be left without a remedy to stop the arbitrary and capricious actions of the City.*

*The Court was clear in its findings that the MAPC performed its job and considered the criteria as set forth for approval as set forth in Jonesboro Code of Ordinances. The Court held that the MAPC determined that Unico Bank's amended application met the criteria for Zoning Changes and followed good land use planning with certain conditions as enumerated. That is found a Paragraph 13 of the Judge's order.*

*Judge Fogleman also found that in reviewing the analysis done of the Amendments to the Zoning Ordinance Map from June of 2009 through December of 2012, only 57% of those ordinance changes were consistent with the Land Use Map Plan. That confirms what is regularly stated about the Land Use Plan Map in that it is a guide, not a requirement and that is at Tab G is the Land Use Plan.*

*So it is now up to this body to consider the criteria set forth in Section 117-34 of the Jonesboro Code of Ordinances, and to depart from the MAPC's finding only if you determine there is a sound basis for doing so in accordance with Judge Fogleman's order.*

*So to refresh your memory what was before you and we have some new council members that were not here when the initial rezoning came before you in 2013. Unico is requesting a rezoning of two tracts totaling a little over 48 acres. The property lies on the edge of the city limits off Ingles Road. Unico Bank has acquired one tract by foreclosure. That was a 31-acre tract and has an adjacent tract under contract with the Charles R. Watson Family Trust consisting of a little over 17 acres.*

*The Watson parcel is being purchased solely to provide access to a portion of the Unico Bank tract from Ingles Road. The rezoning request comes before the City Council with a favorable recommendation from the MAPC.*

*There are actually two rezoning proposals packaged in this one application. Both tracts are currently zoned R-1. This property was part of the mass annexation in the 80's and all of the annexed property was annexed as R-1 property. This property and the surrounding agricultural property has been vacant and undeveloped since annexation over 25 years. The first part of the rezoning request is for RS-7. It is 8.81 acres, which will mirror the existing development in Caldwell Acres which by the way is actually zoned R-3 LUO. The second part of the rezoning proposal is for a PD-RM land development multifamily which consists of approximately 40 acres.*

*The RS-7 will be an 8.81-acre buffer between existing single-family development in Caldwell Acres and the proposed planned development. The proposed RS-7 property will be accessed by Keely and Lexee, and will allow for those two streets to be connected, improving fire, health and safety coverage in the Caldwell Acres Subdivision. The 8.81-acre tract of RS-7 property will act as a buffer to the multifamily, and will serve as a transition area to the multifamily. There will also be a perimeter fence between the RS-7 property and the multifamily property. And, as stated by the Judge and by Planning Commission, it exemplifies sound planning principals.*

*What is the total project like? There will be 217 mixed units. 37 of those will be single-family lots and then there will be 22 single level duplex lots for a total of 44 units. There will be 12 single level four-plex lots yielding 48 units, and there will be 22 town house style four-plexes yielding 88 units, for a total of 180 units in the*

*multifamily portion. Density in the proposed RS-7 area in the 8.81 acres is 5.2 units per acre and is consistent with the current density in the development in Caldwell Acres. The density in the planned development is virtually identical at 5.4 units per acre.*

*As required under the planned development guidelines, a minimum of 20% or slightly less than 8 acres are to be set aside for common area and open space within the planned development. This plan certainly meets this criteria. Actually, it exceeds those criteria. In this proposal, 8.36 acres are actually being set aside, and you will see in the plans there is an area set aside at the entrance for a bus stop for either school or MATA access. It is anticipated that the rent ranges in the multifamily will likely to be in the \$800 to \$950 per unit range, given the land costs and development costs associated with this project.*

*The Planned District proposal gives the MAPC extensive control in the development of this property, and by approving this rezoning request as a planned development, the MAPC and this City Council are retaining a great deal of control over the development. Future development must follow this plan exactly as proposed; otherwise, the developer must come back before the MAPC and the City Council if changes are sought. Additional requirements and stipulations may also be added when the site plan is reviewed by the MAPC.*

*The proposed RS-7 property, the single-family portion, will be accessed as I said by Keely and Lexee. The 37 single-family lots will act as a buffer and will serve as a transition to the multifamily area. Again, I want to be very clear because this came up in our first meeting in visiting with a couple of the residents from the Caldwell Acres. There will be no access from Lexee and Keely into the multifamily development and likewise, there will be no access from the multifamily development into Caldwell Acres. All access to the multifamily planned development area will be via Ingles and Willow Road. As I am sure some of you are aware, Ingles Road is designated as a Minor Arterial Road. Under the Comprehensive Land Use Plan, multifamily development is allowed on a Minor Arterial Road.*

*By providing the single-family buffer in the RS-7 zoning request, Unico Bank, as the owner of the property, is assuming the economic risk that it will be able to market and sell the RS-7 property since it would adjoin multifamily property. No residents of Caldwell Acres are being asked to assume that risk. To the contrary, this proposal allows for development of a full street and two rows of single family houses as buffer to duplex lots, not triplexes, not four-plexes, but duplexes, single-level duplexes. And most importantly, I think based on the concerns we heard based on the concerns we heard raised at the first meeting back in March, this proposal will actually decrease the traffic in Caldwell Acres. Additionally, a perimeter fence is required and will again separate the single family from the multifamily.*

*As I mentioned, this property lies on the edge of the City limits and has adequate utilities to accommodate the proposed rezoning, and fronts a Minor Arterial Road. The project is one mile down Willow Road from the bypass, I-555, and a half a mile from the Optic Fiber Park. As this Council knows, it is sparsely populated along Willow and Ingles Road, the primary routes used to access the planned development. As you can tell from the plan and looking at the application to the West of the Unico Tract is the Caldwell Acres, R-3-LUO again with the same density as being requested with RS-7. West of the Watson Tract is zoned R-1, presently used for agricultural purposes. North is also R-1, presently used for agricultural purposes. To the East is also R-1, presently used for agricultural purposes and owned by the Watson Family Trust. And to the South is also R-1, presently used for agricultural purposes.*

*The MAPC initially considered this proposal on December 11, 2012. At the request of the MAPC and without objection by Unico Bank, the proposed rezoning was tabled until a hydrology study could be completed. Unico Bank engaged Bernie Auld to perform the hydrology study to determine the location of the floodway and to determine the effect of the proposed development on the floodway.*

*After Unico spent \$23,000 on this study, Mr. Auld determined that the floodway is currently located within the banks of Higginbottom Creek, and that will not change with the proposed development. In other words, he said there will be no adverse impact of this proposed development to the flooding or floodway in that area. His report is contained at Tab J. Additionally as the Council is aware, no development can be undertaken in any event without compliance with all federal guidelines concerning storm water management.*

*Also, as this Council knows, virtually every multifamily rezoning request that comes before this Council meets with significant opposition. Sometimes more significant than others. This proposal was no different. A petition was offered at both the MAPC and the Council meetings in 2013. The petition contained 289 signatures. After visiting with a couple of you, there were some questions asked of me about that position. I had not taken the time to go back and look at the petition. It is interesting that almost half of the signatures, 131 of the signatures or 45%, live outside of Caldwell Acres. Some who signed the petition live on Frog Pond Cove, which many of you know is several miles away.*

*The opponents have raised three primary objections to this rezoning request: increased traffic, increased crime, and declining property values. I will address each of those in that order.*

*Increased Traffic - Access to the proposed planned development will be solely from Ingles Road. Again, designated as a minor arterial road under the Land Use Plan. There will be no access to the planned development from Keely or Lexee in Caldwell Acres. The planned development will result in far less traffic in Caldwell Acres than if the entire acreage was developed as single family with sole access via these two streets. In other words, if it were developed as all R-1 like Caldwell Acres, just the Unico Tract would yield 111 lots all pouring out through Lexee and Keely as opposed to 37 lots, or reduction of 74 lots otherwise using Lexee and Keely. It is also very important to note that given the density of the development, the planned development will not result in any more traffic since the density is practically identical, 5.4 for the multifamily and 5.2 for the single family.*

*I also want to direct your attention to Tab F in the handout I gave you. I'm not sure all of you saw that email exchange prior to the last vote. Mark Nichols, the City Traffic Engineer, has stated that numerous studies have shown that multifamily developments generate fewer trips per unit verses single-family residences by as much as 30%. Mr. Nichols stated that his initial study indicates that during the peak morning hours of 7:15 to 8:15, the 180 multifamily units will generate approximately 150 vehicles trips leaving the property. Taking into account the additional traffic load on Willow Road, which now has an average daily traffic volume or at least in 2013, had an average daily traffic volume of 2,300 vehicles, Mr. Nichols does not anticipate that the development will have a significant impact on traffic along Willow Road. Thus, this multifamily develop with the density practically equivalent to the adjacent single family residential will result in less traffic in this area, not more traffic. Given the fact that this proposed development is single level duplexes and single level and townhome style four plexes, we believe that the absorption rate will likely take 5 to 10 years, which we think would also be quite similar to a single-family*

development. This planned development for multifamily will not be developed like a high density multifamily complex like the student housing complex that is currently being constructed on Johnson Avenue behind J-Town Grill.

Now for increase crime, I think that we can all agree that statistics show that crime increases when there is a higher density of people living in a smaller area. Look at the hot spots of criminal activity in the City. Those that were presented when this was originally considered in 2013 and it hasn't changed a lot since then. Without exception, the hot spots are all in areas where there is a higher concentration of people living in a smaller geographic area. That is not the case with this proposal. It is critically important to understand that density in this planned development is 5.4 units per acre. Which again, is virtually identical to Caldwell Acres at 5.2 units per acre.

Decreased property values, well this is a classic red herring argument. There is absolutely no evidence that multifamily development decreases values in adjacent neighborhoods. Because if there were any empirical data remotely suggesting that fact, the opponents would have presented it. There has been no data presented because there is none to support this. Some of you have been on the Council a long time. You may remember, a few years ago, the Lattourette Family had a rezoning proposal before you to increase the multifamily area off Lattourette Drive off S. Caraway. There were a number of residents living at that time in Medallion Acres that were opposed to that rezoning. You will also recall that there had already been some multifamily that was originally rezoned at the very end which was adjacent to Medallion Acres. At that time, and this was all presented to the Council, we looked at all the sales of the homes in Medallion Acres since the time the multifamily units had been constructed. With the exception of two sales, all of the properties in Medallion Acres had sold for more money than the purchase price when the owner originally bought the property. Those two exceptions were bank owned real estate foreclosures. Everybody knows that foreclosed property never sales for what the purchase price was.

Also, I want to direct your attention to an article that appeared a few weeks ago in the Arkansas Democrat Gazette. That is at Tab K. This is a very interesting article about a study performed by Professor Michael Crow of the University of Arkansas at Little Rock. The study was actually commissioned by the City of Little Rock. Professor Crow's study showed that for the most part, multifamily projects don't harm home prices or cause an uptick in crime to an area – a finding similar to other studies in other cities that he cited. This study covered all house sales within 2,000 feet of all new multifamily housing built in Little Rock between 2000 and 2016. The study showed that condominium developments resulted in a 7 % increase to home values in the surrounding area, while small market rate apartments, not large apartment complexes, but what we are really talking about in this request, increased home values by 10%.

Additionally, in 2013 when Unico Bank first presented this rezoning request, we reviewed the real estate records and determined that at least 32% of the houses in Caldwell Acres were rental units and only about 68% were primary residences. I think that we all can agree that a significant number of rental homes in a neighborhood has more to do with decreasing home values than just about anything else.

In summary, the Planned Development District proposal gives the MAPC and this City Council extensive control in the development of the multifamily portion of this property. Future development must follow this plan as it is proposed or the developer must come back before the MAPC and this body to seek any change or modification. As I stated, additional stipulations could always be added at that point as well as when the site plan is actually reviewed by the MAPC.

*It is important to note that by providing the single-family buffer in the RS-7 zoning request, Unico Bank, as the owner of the property, is assuming the economic risk that it will be able to market and sell the lots since it would adjoin a planned development multifamily. No residents of Caldwell Acres are being asked to assume this risk. To the contrary, this proposal allows for the development of a full street and two rows of single-family homes as a buffer to the two rows of single level duplex lots. There will also be a perimeter fence separating the single family from multifamily. Actually, as recommended by the Planning Commission, there will be a perimeter fence around the entire multifamily development. This method of development allows for an orderly transition from single family to single level duplexes then to single level four plexes, and then as you go out of the development towards Ingles Road to town house style four plexes. And again, the density is virtually the same, 5.2 units per acre in Caldwell Acres and 5.4 units in the planned development.*

*The property is located on the edge of the City limits. It has adequate utilities to accommodate proposed rezoning and fronts a Minor Arterial Road. Currently, it is sparsely populated along Willow and Ingles Roads, the primary routes used to access the planned development. Most importantly, this property is not located in an area where there are already large-scale multifamily developments, thus avoiding a high concentration of dense multifamily development. We have heard time after time that it is better to spread out multifamily development and not have it concentrated in one area. This is the perfect opportunity because this proposed project is at the edge of the City limits and is not adjacent to any existing single-family homes. There is no other multifamily development is near. Most importantly, the MAPC considered the criteria for approval as set forth in the Jonesboro Code of Ordinances Sec. 117-34 in two separate meetings, and determined that Unico Bank's amended application met the criteria for Zoning Changes and followed good land use planning with certain conditions.*

*For all of these reasons, we still believe that this is one of the best multifamily proposals that has been before you in quite some time. We respectfully request that you focus solely on this proposal and that you judge this proposal on its merits and its compliance with the Jonesboro Code of Ordinances as directed by Judge Fogleman. We believe and Judge Fogelman actually found that the MAPC thoroughly reviewed and vetted this project and made its recommendation to this body. We request that you follow the MAPC's recommendation and approve this rezoning. We thank you again for your consideration of this request.*

*Mayor Perrin thanked Mr. Parker and asked if there was anyone in the audience that would like to come to the podium to speak in opposition to this matter.*

*Phillip Cook, 5216 Richardson Road, came to the podium to speak. He lives just down the street from where Mr. Parker is talking about. Mr. Parker had said this project is located several miles from Frog Pond. Mr. Cook said that it is not several miles, that it is only about two miles. The street along Richardson which take you to Frog Pond is barely wide enough and you could easily drop off in a deep ditch on either side. It's about 25 feet wide which is a problem. He said there are a lot of trucks going up and down these roads now and when people are out walking and bike riding. There are more people wanting to do those activities. He doesn't understand how this project won't cause more traffic. He doesn't understand how more makes less. Mr. Cook thinks the City needs to reconsider this and think about it very much as to what they are getting into. They need to look at the whole picture and not just what Mr. Parker has presented.*

Mayor Perrin thanked Mr. Cook. He said he would like to bring up City Planner Derrel Smith to speak. He asked if Mr. Smith could state to him and the Council his feelings regarding this matter.

City Planner Derrel Smith stated this was looked at a couple of years ago. He knows the MAPC and former City Planner Otis Spriggs did their research on this. Mr. Smith stated he is not sure he would have the exact same recommendations. He may have looked at it a little differently. No one looks at everything the same way. It is hard for him to go back and say that they did anything wrong. Mr. Smith said he would be concerned with the road width but that is something that can be brought out in the development phase. If he were looking at homes alone, he would be concerned with spot zoning except Caldwell Acres is zoned multifamily instead of single family. He would have looked very hard at the traffic out there as far as the road width and maybe make sure we have adequate access into the development. That would be about the only differences he would see.

Mayor Perrin asked based on our City Ordinance 117-34 which Judge Fogleman referred to in this and based on Mr. Smith being the City Planner, then what is your feeling as to would you concur with this rezoning. Councilman Dover stated that he would like to ask some questions first before Mr. Smith gives his answer.

Councilman Dover asked Mr. Smith about the criteria that we related to Letter E – Approval Criteria, the criteria for approval of a rezoning are set out in this subsection. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include, but not be limited to the following. Mr. Smith said that was correct. Councilman Dover stated basically what they are saying is that these are some guidelines and these are not in total the things we have to consider. We can consider things that are not listed here. Mr. Smith said there can be other things for consideration. Councilman Dover said that it wouldn't be arbitrary and capricious if we chose some other criteria that we thought was important. Mr. Smith said that would be up to the Judge to make that decision. Councilman Dover stated what he is saying though is we have a rationale. It doesn't have to be these six or seven things that they keep referring to. Mr. Smith said that was correct. Councilman Dover read the first criteria that says the consistency of the proposal with the comprehensive plan. He asked Mr. Smith if he would refer back to the MAPC report on Criteria A under the consistency and read it. Mr. Smith read that it is partially consistent with the adopted "Land Use Plan." It is inconsistent as multifamily. Councilman Dover said inconsistent as multifamily. Mr. Smith said yes. Councilman Dover said to go back to the other section that says consistency. He said he does not see the word partial consistency. Mr. Smith said it says consistency on Criteria A. Councilman Dover asked what partial consistency was. Mr. Smith said it was kind of like did you run the stop sign, maybe a little bit, maybe not. Councilman Dover asked if Mr. Smith would say that the MAPC followed these rules if our Planning Commission said it was inconsistent as multifamily. So, they did not follow the recommendation from our Planning Commission did they? Mr. Smith said if you look at just plain multifamily, then no.

Councilman Hafner asked Mr. Smith if he agreed with the density as they proposed it. Mr. Smith said the density is not bad out there. He doesn't know if he would set it out exactly the way that they have it, but everyone does everything different. Councilman Hafner said as it is currently zoned right now, he read that they could put an additional 260 homes out there. Mr. Smith said that is what the report says. Councilman Hafner asked about what they propose which includes 37 single family, 22 single level duplexes which are not really considered multifamily, 12 single level four-plexes, and the townhouse style four-plexes which is 217 units right about? Mr. Smith said that was right about. Councilman Hafner asked Mr. Smith if he agreed

with Mark's email regarding traffic impact. Mr. Smith said that he cannot argue with Mark because he is a traffic engineer. There are a lot of studies that show when you do multifamily units you actually reduce it. You reduce traffic because of the times. Not everyone leaves at the same times in a multifamily as they do in a single family. There are a lot of studies that show that.

Councilman Street asked Mr. Smith if he had seen the discussion where it mentioned about the traffic. Mr. Parker pointed out what Mark Nichols opinion was on that, but it says department reviews were discussed and the Police Department reported concerns with the added density and load on existing infrastructure and services by multifamily and incidences of crime. The MPO Office issued concerns on activity of future development to the east. Connection to Willow Road and Colony Drive to the west. Connectivity to the areas south towards the county was also a concern. Mr. Street stated there was a stub street that would connect towards Gladius Drive to the west. There is also a stub street to the south. Councilman Street stated he didn't think they really focused on those concerns that were raised by the Police Department and the MPO which the Police Department is one of the considerations in the criteria and their opinion on it. He knows Chief Yates is not here and he doesn't know who made that determination in that department, but that was part of this record. Councilman Hafner stated that if it is developed as proposed or as currently zoned, the traffic impact is really about the same. We talked about absorption on other multifamily things that was one of your concerns, but five to ten years to develop gives time for traffic to be absorbed. It is not like an R-12 where there is going to be a lot of units at one time built and people hitting the street. Mr. Smith said its really not as much about the absorption. It is when the road is going to be established. Right now it shows a minor arterial, but its not built as a minor arterial. He doesn't know when we had that planned to be in. Councilman Street stated that was his point. He asked City Engineer Craig Light if there was anything in our immediate planning for that street to be improved.

Councilman Long said when you look at this, he doesn't see hardly any of the criteria that says that it is fully compliant. Criteria A says that it is partially compliant. B says that it is partially compliant. C says it may be compatible. E says adverse impacts on traffic will in no doubt be seen. G is partially consistent. He doesn't see much of anything that is fully compatible. Councilman Dover stated it makes you wonder what the MAPC was thinking.

City Planner Derrel Smith said he is having to go back and guess on a lot of this because he wasn't there, but he's thinking what they were doing is as a planned development, they were thinking that they could control some of this during the development phase. That is how he would look at it if we were starting over today. He said he would rather see it come in as a planned development than as a straight rezoning. Councilman Long said that would almost be speculative. Mr. Smith said that he could not tell them for sure that's what would be done.

Councilman Street stated that under Criteria C, if you look at the last sentence, it noted specifically multifamily units might be construed as out of character with the surrounding area. He said he would concur with that. It is almost as if it is spot zoning even though those developed on the south are zoned R-3, but have been developed as R-1 single family. He wants to make sure they cover this and try to do as the Judge has ordered. He asked Mr. Smith if he would mind orchestrating this where we go through each and every one of these criteria so we don't miss any and hop around. Councilman Street stated he wants a clear record that we have covered and discussed each of these criteria before we vote on this again.

Mr. Smith stated you have Criteria A which is consistency of the proposal with the

*Comprehensive Plan. The answer is that it is partially consistent with the adopted "Land Use Plan." It is inconsistent with the multifamily plan. Councilman Dover asked how he should interpret "partially consistent." Mr. Smith said he didn't know how to answer that. Councilman Dover said so basically person A can interpret that one way and person B can interpret it another way and they both feel like they are answering it correctly. Mr. Smith said yes they could. Councilman Dover said wouldn't that be arbitrary and capricious. It would be what they feel partially means. Mr. Smith said he can't answer that part of it. City Attorney Carol Duncan said that the way she reads it is the single-family portion of it they felt was consistent, but the multifamily portion was inconsistent. Councilman Street said he wouldn't disagree with that at all. Councilman Dover said that was correct. Councilman Johnson stated that is exactly what it says under Tab H. Councilman Hafner asked if the Council had ever deviated from our Land Use Plan in past decisions. Councilman Street and Councilman Dover said yes. Councilman Street said that it is just a plan. Councilman Johnson said yes and that is why it is called a plan. Councilman Street said that everyone wants to look at that if they are arguing that point. He said it is not chiseled in stone and it is a living plan.*

*City Planner Derrel Smith asked if the Council wanted him to go through the explanations also. Councilman Johnson said yes. Mr. Smith said the explanation on Criteria A says the area to the west is currently zoned R-3 High Density multifamily, but was developed as a small lot single family residential. Councilman Dover asked if everything around this is built as single family residential or is currently zoned single family. Mr. Smith said yes.*

*Mr. Smith said that Criteria B reads "Is the consistency of the proposal with the purpose of the zoning ordinance?" The consistency is partially consistent where single family is proposed. The applicant is pursuing the use of the new RM-8 zoning to the east. He said that RM-8 was multifamily 8 units per acre. Councilman Dover asked if they were saying partially consistent and why would it not be totally consistent with single-family homes. Mr. Smith said that he did not write this. Councilman Dover stated as a City Council member looking at this from the experts that are supposed to be writing this and giving this to us, he doesn't understand that statement. Mr. Smith stated the he believed the RM-8 was changed to the planned development multifamily so they made some changes to this from the original. Partially consistent would be the single-family part only. Councilman Dover asked why that would be partially consistent. Mr. Smith said the single family is definitely consistent. There is no doubt. Councilman Dover asked why they would say that. Mr. Smith said the can't tell him that.*

*Councilman Hafner asked if the RM-8 was new. Mr. Smith said if you are going to put multifamily adjacent to single family, a planned development is the way to do it. He thinks that is what they were trying to do.*

*Mr. Smith said that Criteria C reads "Is the compatibility of the proposal with the zoning, uses and character of the surrounding area?" It says a low intense/low density multifamily proposal may be considered compatible. However, an additional or potential 315 multifamily units may be construed as out of character with the surrounding area. Councilman Dover asked if "may be" could go either way. Mr. Smith said that was correct. Councilman Dover said that "may be" might be considered on one side that it's ok and the other person might think that it is not ok. Mr. Smith said that on the explanation, it says an area adjacent to an unstudied floodway. Floodplain/flood way challenges may need to be overcome.*

*Mr. Smith said that Criteria D reads that suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. The*

area is suitable for single family residential. As-of-right the property could currently be developed having approximately 260 additional homes under the R-1 zoning. The explanation states with floodplain challenges the density levels may result in a number lower than the potential volumes listed. Councilman Dover said there was no maybe, if, or and on that one. Mr. Smith said that was correct. Councilman Dover said that one was pretty plain spoken. Councilman Street said they are essentially confirming that R-1 is the correct zoning. Councilman Long stated they are saying that R-1 is way it is supposed to be. Councilman Dover said that R-1 is the appropriate building and there is no question of if, or, maybe, or partial. Councilman Hafner said what is proposed is less units.

Mr. Smith said that Criteria E reads "Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property." The consistency states that the adverse impacts on traffic in no doubt will be seen as an issue to the surrounding residents. The master street plan recommends Ingels Road as a Minor Arterial Road. This sends a message that connectivity to the east is anticipated as a need in the very near future to effectively get traffic to Stadium Boulevard in a more efficient manner. Richardson Road as well as an extension of Willow Road as improved collectors need to be further studied to get the traffic north/south more efficiently. See Land Use Map above which depicts the Master Street Plan Overlay. Councilman Long stated that so far the only thing that he has seen that has been in no doubt or not in question is when it speaks that this should be seen as single family residence and there will with no doubt be adverse traffic effects. Councilman Hafner said he doesn't believe that is the way that is reading. He thinks it will be an issue to the surrounding residents. That wasn't the statement by the City that there will be adverse impacts. It will be seen as an issue to surrounding residents. Mr. Smith said the explanation on that states the applicant has shown no commitment to addressing the potential traffic impacts by this proposal to the area. Councilman Dover asked if City Engineer Craig Light could come to podium. Councilman Dover said in looking at this area, have we studied this, proposed anything in the near future or any of those areas that we are talking about to improve the traffic. Mr. Light said the traffic network in that area is fairly good. He said you have Willow Road, Ingles Road, Richardson Drive, and Colony Park. Those roads make connections and they do have roadside ditches on them. It is similar to a lot of the streets that we have in Jonesboro. Traffic volumes out there are very light. Any development in that area, if it be R-1 or multifamily from this tract of property, you are not going to see that much impact. As the area continues to develop that's when you are going to start seeing it. This one piece is not the one straw that broke the camel's back. There are other developments going on out there as well. Councilman Dover asked if we were following the MAPC recommendation that we study this and we haven't started that study yet. Councilman Hafner asked if that was not what Mark did. Mr. Light said that we looked at the traffic volumes in that area and the anticipated loads. A two-lane road can handle up to about 12,000 vehicles a day. South Caraway Road is still two-lane and it's up to 14,000 vehicles per day. Willow Road was reported to have 2,600 vehicles per day. In terms of traffic volume, there is still a lot of capacity left in what is out there. It is not time to go out and add additional lanes leading to those roadways. Councilman Street asked Councilman Dover about the concern with the number of Nettleton School buses that run through there. He said he thought the number was 28. Councilman Dover said he couldn't give the exact number, but there are a lot of buses that run down through there. Councilman Street said he knew that was a concern for some of the people out there with the number of buses that interface with the narrow roads down through there. He said there were 22 school buses.

Mr. Smith said that Criteria F reads that the length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant. The consistency reads that the land has been vacant for years and formerly utilized for agricultural purposes. Councilman Dover asked what the zoning was when the land was purchased. Mr. Smith said he was sure that it was R-1. He said that is what it was when it came in as annexed.

Mr. Smith said that Criteria G reads the impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services. The consistency reads as partially consistent with the adopted "Land Use Plan" and inconsistent as multifamily. The explanation reads that impacts on City services are anticipated. This area falls within the Nettleton School District. The school board should be contracted for a letter of review or recommendation. Councilman Dover again brought up the issue of partially consistent and that he didn't know what that means. He said that it says inconsistent with multifamily so the MAPC did not take the recommendation on several of these. Councilman Hafner said that is not the first time. Councilman Dover asked what the vote was on MAPC. Mr. Smith said the vote was 5-2. Councilman Dover said that it was not unanimous.

City Attorney Carol Duncan stated that as far as discussion purposes, what you have done now is that you have gone through the initial report that was presented to MAPC with the initial recommendations from the planner. Then, there were several changes made during that planning commission meeting and restrictions placed on and studies done and she thinks they need to evaluate those to see if the changes makes a difference. She thinks they should evaluate as it was finally approved as opposed to what was initially presented. For example, they made some changes. They did the traffic study. They did the drainage study. She thinks they need to evaluate those as well for discussion purposes. Mayor Perrin said he thought that part of it is under Tab H of what Mr. Parker handed out. At the bottom it states Unico Bank has no objection to the 120 ft. right-of-way recommended in the Staff Report for Ingels Road, and no access will be allowed to Caldwell Acres. Unico Bank has no issues in limiting the density of the RM-8 to 5.5 units per acre. RS-7 will have a density of seven units per acre. It goes on to say that Unico Bank will agree to provide public transportation and bus stops in the area to be set aside. Unico Bank has expressed an interest and is open to future park area to be incorporated into the buffer which we have learned the City is unable to accept the offer for a green space buffer because of budgetary constraints through City officials. Given the RM-8 rezoning requests, it is anticipated that this will be developed as duplexes, triplexes, and four-plexes over a three-year period.

Councilman Dover stated he would like to call attention to the paragraph under Staff. It says Mr. Spriggs gave a summary of the Staff Report which Councilman Dover assumes included these changes. It says consistency is achieved for the single family, except where multifamily is proposed, consistency is not achieved with the adopted land use plan. Councilman Dover said there was no partial or maybe. It was a definite statement. Councilman Hafner stated it was a definite statement with an indefinite plan. Councilman Dover asked if he would not agree with that information from the City Planner who stated that he agreed with the single family but he disagreed with the multifamily meeting the adopted land use plan. Councilman Hafner asked if this had been zoned for multifamily and not R-1 or R-3, would he have made the same statement if they had asked for it to be rezoned to R-1 or R-3 that it is not consistent with the land use plan. Councilman Hafner said he thought he would make the same statement if it was reversed and that it was not consistent with the land use plan. He said that is a common statement he makes any time it is not consistent with the land use plan. City Planner Derrel Smith said R-3 would have been a lot less

consistent at the time of the rezoning appeal.

Councilman Dover asked if Mr. Smith would state as we have gone through this that our former City Planner has made more statements stating that the multifamily is not consistent with the land use plan and can you point out any one place where he said multifamily is consistent with the land use plan. Mr. Smith said he cannot point out where he specifically states it is consistent. Councilman Dover stated that the MAPC basically by voting 5-2, did not follow Mr. Spriggs recommendation according to the multifamily housing. Mr. Smith said that Councilman Dover was painting him into a pretty small corner. Councilman Dover said basically it is black and white. Mr. Smith said he doesn't see where he said that it was consistent with multifamily and if you are looking for that statement and the MAPC voting for multifamily because of that, it is not in there.

Councilman Street said they never addressed the traffic concerns either. The Police Department appeared to have some concerns. Mark Nichols and the Engineering Department do not have a crystal ball. The Police Department deals with problems in the area. They should carry some weight and that was never resolved in this. Mr. Smith said the original report didn't even have the report from the Police Department at the time. If they gave a statement of yes or no, it was never presented. Councilman Street said that it is in the discussion in the last March 12, 2013 public hearing. Mr. Smith said that it was not in the staff recommendation portion of it. Councilman Street said that it is in the second paragraph under the staff portion. Councilman Hafner said it is under Tab I. Mr. Smith said he sees it now. Councilman Street said you have the Police Department having concerns and the MPO Traffic Engineer weighs in too with his opinion. They both just put statements out there and they are just hanging there. Councilman Hafner pointed out that the MAPC was done on March 12, 2013 and the traffic study appears to have been done after that because the email is dated April 5, 2013. It appears to him that the study was done maybe after the Police Department raised their concerns. The email is definitely dated after the MAPC meeting. Councilman Street said they typically don't have a study in front of them when they are asked to do these. They are basically going off of what they see from their call load and the problems that they have. They did express concerns with the multifamily and the influence on crime. They weighed in on both of those.

Mr. Parker wanted to point out one thing. He believes that it was Mr. Cook who initially sent an email to all of you including the Mayor and the City Planner and maybe the City Engineer raising concerns about the traffic. It was in response to that email that the Mayor asked Mark Nichols to look at it and weigh in. What you have before you was actually done after the MAPC had made their recommendations, but before the Council considered this the first time and voted in June of 2013.

Councilman Dover said that in Section H, after all the changes were made by the people who were asking for the rezoning, Mr. Spriggs still said that multifamily is not consistent with the land use plan, after all of the concessions were made by the applicant. Mr. Smith said what it says is that he gave a summary of the staff report. Consistency is achieved for the single family except where multifamily is proposed, consistency is not achieved with the adopted land use plan. Councilman Dover said this is after they have come back and made the concessions we eluded to a few minutes ago. Mr. Smith said that this is under Tab H. City Attorney Carol Duncan said that Tab H is the December 11, 2012 meeting. She said and then there was a March 12, 2013 meeting where it was considered again. She said she doesn't know if the opinion changes, but she wanted to make clear that was the first meeting and then there was a second meeting.

Mr. Smith said that Mr. Spriggs gave additional comment from staff noting that this is continuance of the issue that was tabled by the commission. Public input was given in December. The MAPC had concerns of providing a buffer to protect the single family subdivision. MAPC discussed a 280 ft. buffer from single family thus situating the multifamily near the ditch area. Applicant revised the plan. Department reviews were discussed. Police Department reported concerns with the added density and added load on infrastructure and services by multifamily and its influences on crime. MPO issued concerns with connectivity of future development to the east, connection to Willow Road, and Colony Drive to the west. Connectivity to the areas south towards the county was also a concern. Mr. Spriggs stated that there is also a stub street that will connect towards Gladys Drive to the west. There is also a stub street to the south.

Councilman Dover said there is nothing in there that would indicate that Mr. Spriggs has changed his mind toward the multifamily housing being suited for the land use plan. Mr. Smith said no. The motion basically states it was by Mr. Kelton to recommend approval to the City Council as presented for a rezoning from R-1 single family residential to planned development multifamily and RS-7 single family. We, the MAPC find that the change in zoning follows the criteria for zoning changes and follows good land use principals. The motion was seconded by Mr. Hoelscher with the following conditions: 1) that the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual and FEMA floodplain regulations; 2) that the planned development multifamily maximum density shall not exceed 5.9 units per acre (22 four-plex town homes); maximum density shall not exceed 5.6 units per acre (22 single level duplexes); maximum density shall not exceed 4.5 units per acre (12 single level four-plexes); and for the RS-7 single family district detached homes shall have a maximum density of 7 units per acre on 37 single family lots; 3) that a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment; 4) the applicant agrees to comply with the Master Street Plan recommendations for the Ingels Road right-of-way; 5) fencing details depicting screening shall be implemented along the entire perimeter of the proposed site as approved by the MAPC; 6) a lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties; 7) the MAPC recommends approval of the proposed Concept Plan including the 8.36 +/- acres of common/open space and the approved street layout and connectivity. The motion was made by Ron Kelton, seconded by Paul Hoelscher and it was voted 5-2 with two people absent at the meeting.

Councilman Dover stated that two people did not think that this was the best use of this land. Mr. Smith said they voted against it but he couldn't tell you what they were thinking, but they did vote against it.

Councilman Street said that he knew several people in opposition came and spoke. They didn't seem to consider any of the concerns of the immediate residents in that area. He said he didn't know if they were allowed to consider that and factor that into their concerns or they just ignored it or what, but that's kind of a concern to him that you wouldn't want to ignore the people who have made the biggest investments of their lives in that subdivision and you say well, we are really not worried about what you guys think. You voted with your life savings and we are going to skip over that. He thinks that is awfully light cursory to look over that to do it. He asked if Mr. Cook was there.

Councilman Hafner said that he was still concerned if their concern was just new development or the fact that multifamily was involved because the density is not much different than as it is currently zoned. He knows that it would involve additional

traffic, but he is a little confused about the reason for the concerns. Councilman McClain stated that we don't have anyone here to say what their concerns were. City Planner Derrel Smith said that they are always worried about change. Any neighborhood is going to be worried about change and they are always concerned. Usually, they always think that the worst that can happen will happen. It is usually never that bad, but that is generally the consensus.

Councilman Hafner stated he knew that Mr. Cook was there at least at one of the meetings because a lot of the comments were similar to the ones he made tonight. Mr. Cook said as far as traffic, there are a lot of speeding problems. The Police Department has been making a presence in the area and that has slowed it down. At certain times of the day, the traffic is higher. If you come to the corner where he lives, you see more and more every day. A lot of people come through there to miss getting on and off the interstate up there. You would have to live there to understand. Councilman Hafner stated he understands. He said that Mr. Cook mentioned cyclists earlier and he rode his bike out there. His question is it sounds like any development out there is a concern. Mr. Cook said no that he is not objecting to housing. Councilman Hafner said the density or units proposed is a little bit less than what it is currently zoned for. If these 200 units were going up in two years, he would have a lot more concern over the traffic, but to him it sounds like they are going up at about the same pace that a regular subdivision would be developed.

Councilman McClain said he hasn't heard any concern over single family developments, but he has for multifamily. Councilman Dover said the buildings are the same not the number of people. He said there is a difference between one single family home and four duplexes even though it is one structure.

Councilman Long said you have a transient issue there. More single family residents, people that live there are more stable. They are there longer. Page 5, Item 17 of this decision says that not all criteria should be given equal weight and he agrees. He feels the more important statement actually comes after that which says the criteria shall include but might be limited to that list. With that being said, he would like to add a number 8 to that list which says he is going to try to keep the promise that he made to the people he represents and who put him in this chair. Number nine is his intuition which he feels is neither capricious which is by definition is a sudden and unacceptable change in mood or behavior, nor arbitrary which is by definition is a decision based on a random choice. He thinks that after all of the discussion they have heard, he doesn't know how one could say a decision being made after tonight would be arbitrary or capricious. Also, on Page 6, Item 18, they give this disclaimer: the lack of question, debate, banter back or forth, does not equate to a lack of prior review, internal deliberation, or an adequate foundation for a solid decision on anything that he makes because a lack of questions he may have does not equate to him not spending hours of review prior to the decision. The way that this is put, there is absolutely no way that we could formulate any type of criteria that would indicate that any amount or lack of amount of discussion on any issue would be enough to satisfy this. There is absolutely no way we can say have we spent enough time on this to adequately satisfy this court order. He believes that everyone on the Council gives an adequate amount of deliberation on every single issue that they vote on. To assume or to insinuate a lack of prior review or internal deliberation is arbitrary says a lot less about this Council than it deserves.

Mr. Cook said if the Council approves this that it won't be two years until that place is full of houses.

Mayor Perrin stated they have all read the court order and that he has read it several times. He said on Page 8, Judge Fogleman basically said that a better procedure is

for this case to be reversed and remanded to the City Council to properly consider this proposal with the court maintaining jurisdiction for further action if necessary. This means he can go back again like he has done on two other cases and state that he will rezone it. The next paragraph says, to be clear, zoning decisions of a municipality (including whether or not to rezone) are legislative decisions and these decisions are to be made by the governing body of the City (and not the court) unless those decisions are arbitrary, capricious or unreasonable. This court is not directing the City of Jonesboro to come to any particular conclusion but is ordering the City to follow its own ordinance and to specifically consider the approval criteria contained in Jonesboro City Ordinance 117-34. Mayor Perrin said that is exactly why he asked that question in the very beginning. That is the bottom line. You can have all the discussion, you can have all of the opinions you want, but as aldermen have you looked at it and have you done your due diligence based on all of the steps based on 117-34. If you have done that, then vote your convictions, but you have to do your due diligence on every line item in 117-34. We could be here until July and still be talking. We have had a lot of great discussion. Basically, your City Planner has gone through every line item on the criteria of 117-34. There has been a lot of input and opinions and that is good and you will vote your convictions. The court still has the final decision, whatever you vote, to come back and make another decision which they have done on three other occasions.

Councilman Hafner asked if the City Planner was ready to answer the Mayor's original question.

Councilman Dover stated that if we are looking at this MAPC report and taking the advice of our former City Planner, he would say that multifamily is not consistent. It is in black and white. City Planner Derrel Smith stated that he cannot speak for him. He said they put in there that there was partial consistency. Councilman Dover said they also put in there that it is inconsistent with multifamily. Mr. Smith said it does say it is inconsistent with multifamily. Councilman Dover said it states that numerous times. Mr. Smith said yes.

Councilman Street stated that was his problem too because it looks like they ignored the advice of the Planner and skipped over it and did what they wanted to. If you look at it and base it on the report and base it on the criteria, it is inconsistent all the way through it.

Councilman Hafner asked if the City Planner was ready to answer the Mayor's original question. Mr. Smith said that he would need them to repeat the question. Councilman Hafner asked about Mayor Perrin's original question on what his recommendation would have been regarding this rezoning request. Mr. Smith said he didn't sit through the meetings, he didn't talk with the applicants, and he is getting this information second hand. If he had looked at this as multifamily, he would have looked at it as a planned development. He wouldn't have done it as a straight multifamily zoning. He may have asked for additional single family instead of one street. He doesn't think what Mr. Spriggs did was wrong. He had a new zoning he was working with and he was trying to get something that would fit. He was trying to work with the developer and the neighborhood. Mr. Smith thinks Mr. Spriggs did what he thought was right. We probably all would have done something differently, but he is not sure he would be far off from the proposal if he was the City Planner five or six years ago.

Councilman Dover said to iterate, Mr. Spriggs did not recommend multifamily housing. Mr. Smith said he didn't see where he ever said it.

Mr. Parker stated that he was there throughout all of those MAPC meetings. We had

numerous discussions not only with MAPC, but also with the Planning staff. He said he would challenge Councilman Dover to go back to any staff report prepared by either this planner or Mr. Spriggs or any other planner that you have had and he goes down and he looks strictly at the Land Use Plan. What is also in your report at Tab G, is the study that the Mayor had commissioned in connection with the moratorium committee. This committee during the time covered by this report didn't follow the Land Use Plan 57% of the time. You also asked a question about how they voted. It was a 5-2 vote, but what do they call a 5-4 decision by the U.S. Supreme Court? It is the Law of the Land. It requires five so it doesn't matter if it was 5-0 or 5-4. It requires five votes for a recommendation.

Councilman Hafner asked Mr. Parker to address Mr. Cook's concern on the amount of time. He asked if there was an anticipated time line if this proposal is approved on how long would it take to build it out. Mr. Parker stated with these being small lots, and it being their best guess, Unico bank will not develop this property. They will sell it. It will be small investor driven. From his experience, it will take 5-10 years to build this many units. You are not going to have a big developer come in and build it all because they want to build in tight density where they can get a bigger bang for their buck. Mayor Perrin stated like they are doing out on Johnson Avenue. Mr. Parker said yes, like they are doing out on Johnson Avenue with the Zimmer Group. This plan was originally proposed as RM-8 as noted by Mr. Smith. Based on discussions and working with the City Planner, he didn't come out and recommend it because it didn't comply 100% with the Land Use Plan. We worked with the Planner and he is the one who suggested coming back after we got the flooding issue addressed and suggested a planned development multifamily. He seemed to really like the idea that the density was limited to 5.4 units per acre which was practically identical to the density in Caldwell Acres. If this property is not rezoned, Unico Bank is not going to buy the Watson property. Therefore it has a tract of almost 40 acres that will be developed as single family with access through Keely and Lexee which will be a difference of 111 lots or 37 lots. You are going to put a lot of pressure and a lot more traffic in Caldwell Acres if this property is developed as all single family residential.

Councilman Dover asked Mr. Parker if he said that Mr. Spriggs recommended multifamily, but yet in his report, he said it was inconsistent. Mr. Parker said he didn't say that. What he said was that Mr. Spriggs recommended that we change from RM-8 to a planned development multifamily district so that the City Council and the Planning Commission would have more control on how it developed. It has to be developed exactly as presented or the developer has to come back before you and convince you of the changes he wants to make. You all have to agree to it.

Mayor Perrin stated that the Council cannot send this back to MAPC and it will have to be voted on. City Attorney Carol Duncan said that was her understanding.

A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this matter be Passed . Mayor Perrin voted Aye. After the meeting adjourned, it was discovered that there were not the seven votes required to pass the Ordinance. The motion failed.

**A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this matter be Passed . Mayor Perrin voted Aye. After the meeting adjourned, it was discovered that there were not the seven votes required to pass the Ordinance. The motion FAILED with the following vote.**

**Aye:** 5 - Ann Williams; Gene Vance; Chris Gibson; Charles Coleman and Joe Hafner

**Nay:** 5 - Darrel Dover; John Street; Mitch Johnson; Bobby Long and David McClain

**Absent:** 2 - Charles Frierson and Chris Moore

## **8. MAYOR'S REPORTS**

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*Mayor Perrin stated they had a great trip to Washington, D.C. where they met with several agencies about concerns with CDBG for low and moderate incomes. They were given positive feedback from all of our legislators and Senator Boozman. They feel like the funding will stay in the budget and will not be taken out.*

*Mayor Perrin stated they are going to be visiting with the State Highway Department and the Federal Highway Administration on the 25th on another project.*

*Mayor Perrin said that the city continues to be blessed in that building permits are up. Residential permits last month were \$5.6 million, almost \$5.7 million. Commercial permits last month were \$3.7 million. That puts the total for building permits for last month at \$9,466,000.*

*Mayor Perrin said that we were very gracious on our overlays. The overlays completed are in yellow on the handout. The next project will be moving out to Sage Meadows. There are three large streets that will be done as soon as Atlas can get out there.*

*Mayor Perrin addressed concerns on the highway infrastructure. On Southwest Drive and Highland, it is anticipated that the city will bid that out in late 2017 or possibly early 2018. Highway 49 and Parker Road will be out in late 2018. Harrisburg Road will be out in late 2018. Highway 1 will be out in late 2017. He said that we are right on target for some of those projects and will keep everyone up-to-date on those projects.*

*Mayor Perrin commented that he had never seen such a large crowd at any event since he has been Mayor going on nine years, than it was to the HUB today. He said he wanted to give special recognition to Dana Moore, all of the taskforce, Grants Director Kimberly Marshall, and Community Services Manager Emma Agnew who secured the \$90,000 grant for the homeless for the citizens in Craighead, Poinsett, and Greene counties. They had donations. All of the furniture was donated and set up in there. It will be starting right now with the doors probably opening tomorrow. This is something that we have all been working on for our homeless.*

## **9. CITY COUNCIL REPORTS**

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*Councilman Hafner said that there would be a A&P meeting tomorrow at 1:30 p.m. in the Council Chambers.*

### **RES-17:036**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH GILLIS, INC. FOR THE PATRICK STREET WIDENING - 2017:14

*Councilman Street motioned seconded by Councilman Johnson to suspend the rules and walk on RES-17:036. All voted aye.*

*Councilman McClain asked how much money would be coming from Capital Improvements. Mayor Perrin stated the amount is \$127,860 for the entire overlay in doing the widening of the road, curb, and the whole deal that Gillis has on the contract. Councilman McClain asked on what part of Patrick would the widening*

occur. Mayor Perrin stated it would be from Washington to Creath. City Engineer Craig Light said that they budgeted \$250,000 this year for this project and we are getting it done for \$127,860. Mayor Perrin said the bid came in much lower than they had expected. Councilman McClain asked if this was already budgeted or if it was coming out of reserves. Mayor Perrin stated that this was already budgeted. He said that he would get Engineering to start getting the bond so they can go ahead and get this thing going because we have been waiting on this project for two years. He said the road is so narrow that you can barely get two cars down it.

**A motion was made by Councilman John Street, seconded by Councilman Charles Coleman, that this matter be Passed . The motion PASSED with the following vote.**

**Aye:** 10 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 2 - Charles Frierson and Chris Moore

**10. PUBLIC COMMENTS**

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**11. ADJOURNMENT**

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

**Aye:** 10 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 2 - Charles Frierson and Chris Moore

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Harold Perrin, Mayor**

**Attest:**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Donna Jackson, City Clerk**

