



City of Jonesboro

900 West Monroe,
Jonesboro, AR 72401
<http://www.jonesboro.org/>

Meeting Minutes - Final Metropolitan Area Planning Commission

Tuesday, August 10, 2010

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 8 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent 1 - Jerry Halsey Jr.

3. Approval of minutes

Present 8 - Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent 1 - Jerry Halsey Jr.

Approval of the MAPC Minutes for July 13, 2010

A motion was made by Joe Tomlinson, seconded by John White, that the minutes be Approved . The motion PASSED by a unanimous vote

Aye: 7 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent: 1 - Jerry Halsey Jr.

4. Preliminary Subdivisions

5. Final Subdivisions

5. **FP 10-03: Wildwood Addition Subdivision -Phase II- Final**

Owner/Developer Bob Troutt/ Engineer / Surveyor: HKB- Haywood, Kenward, Bare and Associates, Inc. request final subdivision approval for property located east of Old Paragould Rd., @ Aggie Rd.; east of existing phase one of Wildwood Addition; Total Acres: 5.45 acres +/-; Proposed Lots: 24

Jeremy Bevell of H.K.B. presented: We prepared the subdivision plans and we have incorporated the final comments from the Preliminary Plan Review.

Staff: Mr. Spriggs noted that consistency is found with the Preliminary Plan Review. Planning nor Engineering have any additional comments. Mr. Tomlinson asked if the issues of access have been worked out. Mr. Spriggs concurred.

Aye: 7 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent: 1 - Jerry Halsey Jr.

5.

FP 10-04: Briars Subdivision - 2nd Addition- Final

Robin Nix of Nix Development Cooperation/ Engineer / Surveyor: Kelly Panneck (Engineer), Associated Engineering & Testing, LLC (Surveyor) is requesting Final Subdivision for land located North of Windover Rd., proposed intersection of Arrowhead Dr. & Lombardy Dr. North of Briars 1st Addition; Total Acres: 14.41 acres +/-; Proposed Lots: 27 (Lots 1-27).

Mr. Kelly Panneck, Kelly Panneck Engineering, stated that he is representing Robin Nix and the request for a final plat approval on 27 lots/14.4 acres. The preliminary plan was granted last month and the final has been reviewed by City Staff.

Public Input/Opponents:

Kent Gibson, resident of the Briar's Subdivision: Stated he has major concerns on the main issue of drainage. The Briar's storm drainage system is minimal in terms of the run-off from our subdivision. Presently the run-off from the north makes the system inadequate; our yards and streets are turned into detention ponds causing an egress a problem for cars. Recent experiences from the Forest Home Church project have caused us to be most vigilant. Mr. Gibson made further comments about the Church development drainage plan with 24 inch pipe. Water comes in at an opposing angle- one downhill and one at an opposing angle which doesn't make much sense; the remaining water is drained off and collects and the end of Lombardy and the end of Abbey Rd., which becomes detention ponds. The church may not have a bearing on this approval, but this has always caused the Briar's to have a grave concerns about developing the property to the north of us. Minimal plans are always approved in good faith but there is no City enforcement in maintenance and completion of these plans. The church project was never completed to the specifications and plans it called for. The city is behind in dredging easements; ours to the west is in need of attention. The high-water mark is less than 6" from a house that is currently on the market for nearly \$500k.

Detention ponds are the key to fixing the problems of this area; and we are being presented a one-shot opportunity to locate these ponds on open land. By accepting the initial plan prematurely it places a financial burden on the developer when the problem is so much bigger than his mere 14 acres. It is time to address this in totality as oppose to just 14 acres. Please take the necessary time to assess all of the variables so a best plan can be found for the entire drainage basin.

Joseph Kueter, Resident of the Briars. Recognized the residents that were

present (18 approx. stood); people are concerned about our neighborhood and are here to preserve the value of our neighborhood. Not all is monetary value; a good name and safety goes with it.

Issues addressed: 1. The name of the new subdivision was developed by Hillpoint. They built houses with a bill of assurance having a minimum of 2,200 sq. ft. for every house; on lot sizes that are close to ½ acre each. We have the new subdivision bill of assurance showing a minimum of 1,800 sq. ft. for one story and 2,000 sq. ft. for a multi-story house. The lots sizes are about a 1/3 of an acreage, smaller than our neighborhood.

Our name is the Briars and we have a reputation. If they use the same name- Briars, which the Hillpoint Development Company gave us, it was not asked if it could be used for this new project. We were before this Council when the new church was R-1 and was approved as C-3 with restrictions. We were trying to preserve the value of our neighborhood. We didn't mind it being a church going there as C-3 ; It was discussed that the remainder of the tract would remain R-1 with equivalent housing. The second issue is the traffic that will change; we now have a quiet neighborhood with one outlet without a bunch of thru-traffic. At the last meeting it was discussed about carrying it north and over to the east to Brown's Lane. I would hope that the City has had someone to look at the traffic. Our desire is to have it run through our neighborhood with the least amount of traffic. Windover access is another problem. Final point, about drainage which Kent has addressed- I have lived there six years and in front of my house I didn't have drainage issues probably until a year ago, when the new church built. The detention pond malfunctions. The street in front of my house flooded on 2 occasions last year at 3 ft. deep of water that spilled into my yard. That needs to be revisited to stop that from happening because it wasn't that way before that development. I hope that the City makes sure the new development is taking care of the drainage. I am worried about child safety as well. If the flooding gets worse I am afraid for them. Spoke of child drowning last year. I am not against new subdivisions, but they should be done the right way. There is more land to the north which drains our way; and I hope that is taken into account before and if this subdivision is built.

Bobby Hogue, Resident of the Briars; I live in one of the lowest lots in that subdivision at present. Don't want to go back over what they said. Hope the City and you are looking at the rest of that property and where that water is going. Spoke on drainage problems. We keep referring to the church and Mr. Nix stated he doesn't have anything to do with it. I agree with that. The council and this board did have something to do with it. There was suppose to be detention ponds there. We can't find a real retention pond there.

If this is approved as it is assuming it's going to be. What if the detention ponds are not built there? What if they are not implemented the way they should be. Also spoke on businesses on Parker Road with water flooding issues. There are some larger problems than what we are looking at. I would like to know what assurance we have that this will be developed and implemented the way they are saying.

Kelly Panneck addressed concerns and comments. If they desired the name change of the subdivision, we can change it we have changed our bill of assurances to a 1,900 sf. minimum.

In terms of traffic flow, we made the offer to change the connection to Indian

Hills to the west. It was decided that because of the time frame that it wasn't adequate time for the citizens of the Briar. It was decided to connect to Arrowhead Road. Mr. Panneck addressed Mr. Hogue's concerns; it is my understanding that you can't get a certificate of occupancy before all the work is completed and you have as-built surveys; and the design process and review process has been changed and there is lot more scrutiny by City Staff with intensive review. On the overall drainage problems in that area, we will control the water from our subdivision, and will mitigate anything we generate, above and beyond.

City Staff approached our client after the last meeting and asked if he would be willing to help mitigate the overall problem from the entire area. We have a drainage easement is 100 ft. wide by 400 ft. long. Our detention ponds occupy this area. Through a betterment agreement, they will add additional storage and piping to further slow down the water from what we will slow it down and use it as regional detention for the area. City Engineering is working aggressively on a design and hydrology calculations. We ask that you approve the preliminary plat tonight subject to Engineering approval. My client feels that he needs to do this to be neighborly.

Mr. Scurlock visited the site and I couldn't find the detention pond. In your plan retaining wall looks like it will turn the water away. It looked like when the dam was cut, it created a natural drain down to the street. Until the ponds are built, it seems they could get floods in mean time. Detention ponds will be used as sedimentation ponds as the construction is occurring and as the property is developed, the first thing you do is cut the detention ponds. You stop the out flow of the detention pond with a sediment riser and prevent large flows or sediments from leaving the property. We have silt fences along the south boundary to keep the silt from coming off of it.

Mr. Scurlock asked if the areas to the north and west are sloping off. The church is building a school to the north and looks like that area might add to the problem. Mr. Panneck referred to the City's overall detention plan for the area.

Craig Light, City Engineer gave comments. Stated that Staff has looked at the drainage in the area; the system going into the Briars is inadequate; the piping system that runs through to the north lots is at capacity. When the church was constructed, the church was not required to fix the Briar's drainage problems. It is not in our code to force developers to fix existing problems, they cannot make problems worse.

Mr. Light: We have been in discussion with the developer about enlarging this detention pond area and we will have discussions with the church. If the Briar's Subdivision Phase II is not built, priority in funding moves to the bottom (It could take several years); if it will be built, it moves funding priorities up. If Mr. Nix will build this project and the city can participate and do it in 2 years before houses are built. The developer is willing to participate. There is nothing we can do to force participation; we will negotiate in good will. In terms of the traffic for 30 lots, you need two ingress/egress for fire safety. Is that best? I don't know, it has to meet fire codes. When we do traffic planning we concentrate on planning the major thoroughfares. For collector/residential streets and arterial streets you may be concerned about more lanes. Mr. Johnny White asked for an estimation on the total water shed

in that area. Mr. Light: There are approximately 55 acres that come this way and 60 acres that go down to the access road/I-63; Total of 266 acres in this drainage sub-basin. We are talking about 800 cubic ft. per sec. of flow plus another 300 cubic ft. per sec. of flow at the connection. We are trying to knock off 100 cubic ft. per sec. of flow and another 100 cubic ft. per sec. of flow with the church. There will still be a flood plain associated with this channel more near Windover and I-63. There is no plan to do improvements to this piping system other than when we put the pond in on the church, when it overflows it flows across the Briars. We are wanting to pipe it into Briars Ph. II.

Mr. White: The Church has been mentioned in terms of drainage. Is there a drainage detention pond? Mr. Light: there is a small pond on the church property with its sediment stand pipe for filtering that needs to be removed. It is not operating properly. Even if this was removed the rainfall events from last year would have still resulted in flooding. That pond did not nor was intended to correct the Briar's drainage problems.

Mr. White stated that he walked this area over this morning and it looks like coming from the church property the closer you get to Lombardy, it is a flooding accident waiting to happen. Will the development of this property pick up the water that sheet flows across those lots and take it to that detention area?

Kelly Panneck: We can't change the shape of Lombardy street connection; we have to connect at that grade. It is our intent to lower the fill in the pond and then re-grade these lots to the drainage ponds either through the road or through piping systems (42" pipe). On our property we will change this to 2 water sheds; smaller pond to the southeast that will drain to the east watershed. With a channel running the eastern line to catch additional post development run-off vs. pre-development run-off.

We are adding detention to off-set our predevelopment flows vs. our post development flows we will increase runoff but through our design process these numbers will be the same.

Mr. Light: The Church detention ponds/outlets surface flows through this system we are looking to connect into their underground system to the Briars underground system making a low point in the church detention pond, and build a levy on south of the church property (high enough to retain a 100 yr. rainfall event without any over-topping). None of this is certainty in terms of agreements. I have seen the Church plan in terms of what they intend to do. They have a strip of land that is a 100-ft. buffer, and we feel we can construct what we need in that. I feel the Church will work with us. Mr. Light: Can this be worked out in the course of this project? I have spoken with the mayor and he is in agreement.

Mr. Kelton: You have some comments that the Church did not substantially comply, do you agree?

Mr. Light replied that he is not aware of any specific conditions placed on the Church when they built, but the drainage structure was approved by the City and have been constructed. The outlet structure has the stand-pipe that needs to be removed. The pond is there and it was required to be what it is- 15,000 cu.ft. of water. It is not in City code that the Church fix the Briar's problem nor Mr. Nix; they just can't make it worse and I do not think the

Church made it worse. Mr. Kelton: But it does manage and mitigates the church development. Mr. Light concurred.

Ken Stallings, Pastor of the Church of the Nazarene stated that was surprised to hear our name was thrown around in the last meeting. I wanted to remind you that everything that you approved we did. The Church did not take any short cuts in building our children and youth facility. If there are some problems we will be glad to do anything to correct it. We passed all inspections and we tried to stay in touch with Mr. Gibson. I had informal conversations with him later on. Yes, they still had water problems but it wasn't any worse than what it was before we started. This is our first opportunity hearing about it or anything else that has come up. We read about it on the front page of the newspaper last month.

Pastor Stallings: We are more than willing to work with the City and the Briars to do what we can. We are not trying to make things worse on them. I would like to have it on record that we did not take any shortcuts or bypass any City codes. We built it according to the plans that you approved. If something has happened to the bank of the detention pond we will fix that. I have looked at it after the 100 year rains from last year. Our goal is to cooperate and to be good neighbors. As far as having stones cased at us we did or did not do- I assure you we did everything to comply with what city asked and everything to be good neighbors with the Briars and everyone else. Mr. Kelton commented that his last question to the City Engineer was to go on record that it was adequately and correctly done.

Joseph Kueter, 2401 Abbey, Lombardy has always been a problem area. Before this was developed my cove never flooded. Since church was built it flooded 3 ft. high. In terms of traffic- if you have to have 30 lots for 2 in and outs, this only has 27 can we just make one in and out which would stop any through traffic through the Briars? Mr. Light: The total lots equate to 30 +27=57. Regarding last year's rainfall, we had 76" of rainfall which is 30 inches more than average; which is pushing to a 25 year frequency. We had a lot of rain.

Mr. White: looking at the drainage easement that exists it looks overgrown. Is it a city easement? Mr. Light stated yes it is and it was cleaned last year. It is an easement but belongs to the property owners. It's a part of their yard. We have more ditches than we can mow in the city in a year; and we will clean it out again as part of this project.

Mr. Kelton if these plans are approved, we will have an immediate need to focus on this drainage issue and area, and their concerns will be addressed sooner. Craig Light concurred that it is his opinion. Up until the last three weeks, I didn't know that there was a problem out here. I have had a staff member working on this over the last 3 weeks for proposed solutions. If Mr. Nix will subdivide and give us an easement our land cost are covered and city can fund it. Otherwise we could have to deal with acquisitions and it takes several years. This would be fast tracked otherwise.

Mr. Kent Gibson I insinuated that church project was not up to standard; the sediment pipe was not removed. The spillway over the levy is a stair step as it raises and spills over and expands. Top of the spill way is higher than the lower part of the levy. This year we already have had water back on Abbey.

This year has been a normal year and again water was at the end of Lombardy.

Mr. Hogue: commented on the ditch behind his house. The City came out last spring and did a good job in cleaning out the ditches from there to halfway down to Windover. They had to pull back because there is a large sewer line across that ditch and they couldn't get the equipment in so they went in from the south. They did very little clearing on the south side of that ditch they didn't clean that lower part of that ditch out. He will help to keep it cleaned. Mr. Light stated that all the improvements will be done or we will have a performance bond in place before the lots are sold or permits are issued. We have to have something guaranteeing completion of the subdivision.

A motion was made by Ron Kelton, seconded by Jim Scurlock, that this matter be Approved with the name change as agreed by the developer. We have had good cooperation between all parties. This is the best possible solution to get the problems taken care of. The motion PASSED by a 6 to 1 vote

Aye: 6 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton and Jim Scurlock

Nay: 1 - John White

Absent: 1 - Jerry Halsey Jr.

6. Conditional Use

7. Rezoning

7. William H. Grimes petitions to rezone a tract of land from R-3 High Density Multi-Family to C-3 General Commercial for 0.31 acres of property located at 2811 E. Nettleton (Northwest corner at Pardew St. West of Stadium Blvd., Jonesboro, AR

Applicant:

Mr. William Grimes stated that 2822 E. Nettleton is on the corner of Pardew St. and Nettleton, and he has spoken to 2 of the 3 neighbors and haven't found anyone that is against this rezoning; and they all signed a petition. He walked up and down Pardew St. and received signatures with no opposition. It will add a lot to Nettleton and get rid of the duplex and add a nice commercial building.

No Opponents were present.

Staff Comments:

Mr. Otis Spriggs gave staff comments and summarized the Staff Report. This was a petition from 1987 for the exact same request; it was approved by MAPC but was never walked on to City Council. Because of this technicality, Staff recommends that this tract be modified on the Land Use Plan to commercial use for that general area, given the development patterns. The replatting process will call for proper realignment with the existing abutting right of ways.

Mr. Spriggs: Staff recommends approval to Council to C-3; it is small lot in

size and we don't anticipate them over developing the site. Mr. Roberts stated that this will come back before us as a site plan review.

Mr. Tomlinson asked for clarification of the 19 ft. note for the Pardew St. right of way. Mr. Grimes explained that he is not sure if Mr. Hamman has clarified that right of way, but the Nettleton right of way was adjusted

Mr. Tomlinson explained concerns about the setback of the new building being out further than the existing houses.

Mr. Spriggs: Mr. Hamman came in and spoke to City Planning and noted that the development plan will be submitted and Staff will work with the City Surveyor to achieve minimal compliance. Commission concerns can be addressed at the Site Plan review stage.

Commission:

Mr. White made a motion to approve the rezoning subject to site plan review, seconded by Brian Dover, that this matter be Recommended to Council . The motion **PASSED** by a unanimous vote

Aye: 7 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent: 1 - Jerry Halsey Jr.

7.

Border Properties, LLC requests a approval of a rezoning from R-1 to C-4 L.U.O. for 2.73 acres located on the S.E. corner of Oriole Dr. & E. Johnson Ave. (Hwy. 49N).

Mr. Gardner, Attorney for the applicant:

Stated that the 2 tracts that are subject to this rezoning are located on the S.E. corner of Oriole Dr. & E. Johnson Ave. (Hwy. 49N). The property was purchased in April of 2008 and has been on the market since with a residence and a shed. Mr. Gardner made an observation and correction on the application that there is a tenant in that residence who has not moved.

We have no specific plans for a specific development and intend to sell the property. As you know the site is located on Johnson Ave. which is a 5-lane highway that is just not suitable as residential; and the highest and best use is commercial and it is not feasible to continue to use it as residential.

The property to the east was zoned C-4 L.U.O., and we listed the uses in this application rather than seek the C-3 Commercial District; although other commercial properties are to the west and the Planned District to the north.

One of the reasons we chose this route was to try to address any concerns of the Wheeler Heights Subdivision. We have proposed those uses on the list. If developed as commercial there are utility and sanitary sewer which will be extended up from the south and cross Oriole Dr. The Wheeler Heights Subdivision is on septic and this project will add that benefit. We met with some of the residents last evening. The Staff has recommended approval with certain conditions and the owner is prepared to accept those conditions.

Mr. Hoelscher commented that doesn't think it is our position to micro-manage what happens in the development. I spoke with Otis Spriggs

prior to the meeting. And as he put in the staff report, there is a certain logic is to encourage neighborhood development so while understand we can't dictate because there is not a single development on the site, there are limitations on the density being developed.

Public Input:

Denise Bowman, Oriole Dr. We are opposed to it changing at all; we do realize that things are changing out there because of the hospital. Most of the C-4 uses listed are business we are opposed to except for the medical office or pharmacy. We are opposed to restaurants, a convenience store and a carwash. If you put a convenience store in you are in our front yards. For some it will be in their back yard. Our neighborhood is very quiet we were there before everyone. We have little traffic. They will be coming off on Oriole Drive. Convenience stores stay open late it's not what we want. We have lived there for 16-21 years. I would like you to consider that.

Linda Baker, Oriole Dr. I abut to the back of the barn portion of this property. The tenant has been operating make shift garage out of that barn. The city recently shut that barn down. There were 10 or 12 vehicles down there a month ago.

We do live in an older neighborhood. Something clean would be something good. Anytime he is going to open it back up. He's cleaned that area up a little.

Mr. Steve May (Applicant) Stated that the City did not shut it down I was the one that shut it down. I spoke to Thomas White and told him I would take care of it. The tenant was ordered to cease the business or I would have evicted him. I also had him to get the existing automobiles off. The garage will not be opened back up.

Carolyn Rudder, Oriole Dr. Stated she had question about the sewer. It was stated that it will come cross Oriole. We have checked on sewer before it had to come from certain directions we were told. Will it be accessible for us to connect or will we have to come from a couple miles in a different way. Mr. Gardner explained that it could be a condition to getting their plan approved.

Mr. Gardner also explained that the traffic flow condition will be addressed per the Staff when the development is brought back to the MAPC.

Ms. Baker had mention the garage use and it is not permitted; nor would it be permitted for C-4. The concerns about the current tenants reopening will not happen.

Mr. Dover commented on the provided list of potential uses. Does the convenience store include a gas station and the underground tanks? Mr. Gardner replied yes.

Mr. Spriggs presented the Staff Report summary. The property to the east was rezoned specifically as C-4 LUO for a funeral home. Access management concerns were voiced for Oriole Dr. which is residential street. The list of requested uses was provided. Staff is proposing that a 20 ft. landscaped buffer be provided between this property and the abutting residential. All new work would not commence prior to site plan review. Lot 29 raises concerns since it faces a residential lot across Oriole Dr. MAPC has discretion on restricting

that lot. Mr. Hoelscher gave concerns on the C-4 in terms of lot density we have a lot coverage maximum of 50%.

Mr. White noted that the CWL Engineering Dept. can answer the sewer questions raised earlier. Are there any questions regarding the bill assurance of lot 29?

Mr. Gardner replied that he looked at that through some title work; it was amended to remove lot 29 from their restrictions of that subdivision. A 1982 amendment was provided. It is a fairly old subdivision and they do expire.

Mr. Kelton asked was it verified. Mr. Kelton noted that was thinking it was amended to allow cable company put a tower up and it was converted back to comply with the bill assurance after looking into that.

Mr. Kelton asked if it is possible to modify the list of permitted uses in the L.U.O. and restrict the car wash use? Mr. Spriggs noted that the MAPC has that liberty. Many times they are unattended and open 7 days/24 hours.

Mr. Gardner stated that removing carwash is acceptable.

Mr. Dover stated that the gas station convenience store is an added burdened with the underground tanks. What is the City's position.

Mr. Spriggs noted that from an environmental standpoint they are regulated by the EPA/ADEQ once they cease to be a gas station they are considered a brownfield and it becomes an added expense to the new owner. The MAPC can restrict what occurs on Lot 29 in terms of use, as well as hours of operation. Those can be conditioned under the LUO process.

Mr. White reiterated that the convenience store use and hours of operation could be limited by the Commission? Mr. Spriggs concurred. Mr. Gardner stated that the can drop convenience store as a use on Lot 29; Carwash was dropped or excluded totally.

Terry Joe Kee, Oriole Drive, noted that he wasn't at the meeting last night. He stated concerns about his children and Grandchildren's safety and also asked if it is some way to limited this to where it can be 16 hours a day where it won't be open all night long. My property is adjacent to this piece. Now or in the future that alcohol not be sold there.

Mr. Scurlock ask about Privacy fencing or security fencing within the regulations. Mr. Spriggs noted that the code did not require that much detail but it can be listed as a condition.

Mr. Hoelscher asked about buffering along Oriole. Mr. Spriggs noted that landscape screening can be conditioned or added by the MAPC to screen vehicular lighting to avoid creating a naissance.

Mr. Gardner agreed that a privacy fence is reasonable. Site development plans will take the access and screening into consideration.

Mr. Kelton stated that sitting between you and residential will be a wood privacy fence with a privet hedge and that doesn't seem unreasonable. Mr.

Steve May concurred and noted he understands and stated he wants to work with the neighborhood. We don't object to a greenspace or fence.

Betty Rogers, Oriole Drive noted that Lot 29 on corner was smaller in size and won't be used; that's why it was donated to the cable company. The convenience store would be built on the 2 acres where it hits everyone's back yards. All of the property adjoins their back yards.

Mr. Hoelscher questioned any subsequent owner from replatting into smaller lots. Mr. Spriggs noted they would be limited to the requirements of the C-4 provisions. Mr. Spriggs urged the commission to limit or provide a setback of the convenience store use 100 ft. away from any residential property. This would promote the convenience store to be placed along Johnson Ave. Mr. Gardner and the applicant concurred.

Motion:

MAPC recommends approval by the MAPC to Council with a change from R-1 Single Family Residential to C-4 LUO Neighborhood Commercial District with the following stipulations:

1. THE LIMITED USE SHALL INCLUDE ONLY THE FOLLOWING:

- | | |
|---------------------------------|------------------------|
| Animal Care, Limited | Government Service |
| Automated Teller Machine | Medical Service/Office |
| Bank or Financial Institution | Office, General |
| Post Office | |
| Church | Restaurant, Fast Food |
| Convenience Store | Restaurant, General |
| Day Care, Limited (Family Home) | Retail, Service |
| Day Care, General | Safety Services |
| Funeral Home | Utility, Minor |

2. That all site plans be approved by the Planning Commission with access easement management included on individual site plans with cross access easements. No new work shall commence prior to Final site Plan review and approval by the MAPC.

3. A lighting plan and landscaping plan shall be submitted to the MAPC, including a 20 ft. landscape buffer, including privacy fencing where the site abuts existing residential uses.

4. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.

5. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.

6. That carwash use shall be prohibited and no convenience store shall be developed on existing lot 29.

7. That a setback of 100 ft. be provided between residential, if convenience

store is developed; Buffering will be consistent if the property is ever subdivided.

A motion was made by John White, seconded by Margaret Norris, that this matter be Recommended to Council . The motion PASSED by a unanimous vote

Aye: 6 - Margaret Norris;Joe Tomlinson;Brian Dover;Paul Hoelscher;Ron Kelton and Jim Scurlock

Nay: 1 - John White

Absent: 1 - Jerry Halsey Jr.

7. RZ10-09: Text Amendment: Sec. 117-225. (a) Accessory buildings/Accessory Dwellings. **ITEM TABLED.**

MAPC is holding a public hearing on the review of the existing Zoning Text regarding Accessory buildings/Accessory Dwellings within the existing R-1 Single Family Residential District.

This includes pool houses, and detached accessory dwellings on large acre lots. The Commission will be making a recommendation to City Council on this issue.

A motion was made by Ron Kelton, seconded by Joe Tomlinson, to untable both text amendment cases. The motion PASSED by a unanimous vote

Aye: 7 - Margaret Norris;Joe Tomlinson;Brian Dover;Paul Hoelscher;Ron Kelton;John White and Jim Scurlock

Absent: 1 - Jerry Halsey Jr.

7. RZ 10-10: Text Amendment Case: MAPC is holding a public hearing to consider the following text amendment: **ITEM TABLED.**

AN ORDINANCE ESTABLISHING RULES FOR FUTURE SUBDIVIDING / REPLATTING OF PROPERTY CURRENTLY ZONED AND CLASSIFIED AS "R-2A", "R-2", "R-3", "R-4", "R-5", and "R-6", BY AMENDING AND ADDING SECTION 117-138 (15) TO THE JONESBORO CODE OF ORDINANCES BY THE CITY COUNCIL

DISCUSSION:

Mr. Spriggs summarized Case: RZ-10-09 RZ10-09: Text Amendment: Sec. 117-225. (a) Accessory buildings/Accessory Dwellings, including pool houses, and detached accessory dwellings on large acre lots.

The language or clauses concerning 25%of the heated space was modified as requested by MAPC to read: may not exceed 25 percent of the occupied/dwelling space. No other comments were made.

Current Code Of Ordinances_Residential Districts

Mr. Spriggs noted that staff looked at the R-3 District and derived the RM-16

district which was the closest and most comparable to the old standards. The RM-16 allowed for 16 units per acre. Staff was asked to provide use tables to show allowable uses in the R-2 and R-3 Districts. Staff has paralleled what was previously allowed. The table was made available on the projector screen.

Mr. Lonnie Roberts asked about the R-3 setbacks which was 7.5 in the side yard. RM-16 has a 15 ft. side set back. To be congruent staff will revised that. Mr. Spriggs noted that with multi-family, 5 ft. is added to the setback for each additional story in height.

Other concerns were for individual requests for four-plexes being designed to have little or no rear setback on the units with patios directly abutting the side yard of single family homes. Staff presented language to address that.

BULK DIMENSIONAL REQUIREMENTS- RM

DISTRICTS

Zoning Classification	Min. Lot				
Width	Minimum	Lot Area	Front Setback	Rear Setback	Side Setback
R-MH	NS	NS	NS	NS	NS
RM-2	50'	7200 SF min. per Dwelling Unit (for duplex / 3600 sq. ft. per unit for the overage)	25'	20'	7.5 ft.
RM-4	50'	10,890 SF per Dwelling Unit		20'	15' 7.5' ea.
RM-6	60'	7,260 SF per Dwelling Unit		20'	15' 10.0' ea.
RM-8	70'	5,445 SF per Dwelling Unit		25'	20' 10.0'
RM-12	80'	3,630 SF per Dwelling Unit		25'	20' 15.0'
RM-16	80'	2,722 SF per Dwelling Unit		25'	20' 7.5'

Please insert the section below as #12 under Section 117-138 ((PAGE CD117:39)))

12. For multi-family, the side setback shall be increased by 5' for each additional story in excess of one story, for buildings to be placed along the property line.

Minimum On-Site Structure Separation:

- Single Story: 15'
- Two Story: 20'
- More than two stories: 30'

In instances where the front façade of an apartment building does not face the fronting street right of way (s), there shall be a minimum setback in the rear of the building of 20 ft. in the area created for rear doors/patios.

The greater restriction applies for the tallest building being considered, e.g. If a one story building is proposed adjacent to a three story building, then the minimum separation between those two buildings shall be 30'.

We are not moving toward a complete recommendation to change the ordinances. Our goal is to compile the different versions of the codes and create one code that will be referred to. As noted in last meeting, Staff will support mass rezoning requests that would address current issues where residents can collectively petition a rezoning to have their single family developed subdivisions properly rezoned to a single family district.

Mr. Spurlock asked if we could somehow create a template/checklist that would give a road map of how many property owners would have to participate

before we will allow it to be changed? Staff will attempt to create some parameters or threshold. Mr. Spriggs also noted that it would be much simpler if it were a specific subdivision with a common name, and contiguous lots. Mr. Crego in the last meeting stated that if it is 95% or so of the lots then we would naturally support that however the inverse would be too piecemeal. Mr. Kelton clarified that for someone that is taking advantage of the R-2 for multi-family uses- these people will be left alone? Mr. Spriggs stated that if it is an existing duplex then that owner would not be forced to rezone to single family.

Mr. Spriggs added that the currently existing R-1 District would be massed rezoned to its equivalent district which is an RS-5 District having the same standards. The city could pursue that mass rezoning because we would not be taking away the right to develop as of right.

Mr. Hoelscher asked what about the non-conforming lots that will be created as a result?

Mr. Spriggs stated that the purpose of this text update is to prevent this from happening. Mr. Hoelscher asked what if the lots didn't not meet the new requirements. Mr. Spriggs stated that we would take every R-2 piece of property and promote it to be changed to RM-2. That's not causing them to be non-conforming but putting them in compliance with the current code (a mass rezoning by the City).

Mr. Hoelscher asked if that caused a change to the minimum lot size. Mr. Spriggs stated it stayed the same 3600 sq. ft. per unit. What are we doing to keep people from chopping lots up in to odd shapes that's been done in the past? The difference with the new approach is we took out the constraint that you had to have one building per lot which forced to take the larger acreage and divide it up into irregular shaped lots. Mr. Spriggs also noted that the subdivision standards could also be refined to address the sub-dividing of land issue.

Mr. Hoelscher asked if the new RM-2 will have a minimum lot size and minimum street frontage? Mr. Spriggs explained that Staff paralleled the existing street frontages and other minimum bulk standards from the R-2 code.

Arkansas State University is also zoned R-3, and the MAPC may want to address the university campus land and zone it university. They are basically exempted from Zoning, but our map depict them as R-3 Multi-family.

Mr. Hoelscher asked if it would be possible to have to entire zoning map available next meeting? Mr. Spriggs stated that Staff will make it available.

Mr. Bill Hall, 1304 West Jefferson. In the text it referred to the minimum square feet lot size to be 3600 sq. ft. per dwelling unit. In the chart it refers to the minimum lot area of 7,200 sq. ft. per dwelling unit. Which is correct? Mr. Spriggs noted that the threshold is 3,600 sq. ft. per unit. Min. lot size is 7200 sq. ft. for attached units.

Mr. Hall stated that the text states duplex, tri-plexes and fourplexes and does not mention single family. There are quite a few single family homes in my neighborhood. It concerns me that we are moving to an entire designation that

doesn't recognize single family. Single family pre-empted the Zoning. I have a real problem with a neighborhood that is primarily single family with it being non-conforming. And I think most people in the neighborhood will have that problem as well.

Mr. Spriggs added that the Commission has that problem with it as well and that is why we began studying the issue.

Mr. Hall: The latest revisions do not seem to address that. In the chart it does, but not in the text. This is a 100 plus block area in the City of Jonesboro that is zoned R-2. The text illustrates that the preferred development pattern be duplexes, tri-plexes and four-plexes. That concerns me.

Mr. Spriggs noted that the intent was to address situations like this with the idea of the residents petitioning a mass rezoning of certain areas. Mr. Hall: but we were just told that we have to have 100% buy-in by the property owners to do that. Mr. Spriggs stated that because the West End District is so segmented, which makes it almost impossible.

Mr. Hall: I do think that we need to look at this further and come up with a solution that recognizes that a good bit of this area is single family.

Mr. Spriggs: Do you have any suggestions? Mr. Hall: I would suggest that the City appoint a committee composed of City Staff, neighborhood organization members, and property owners to study this issue and come up with recommendations.

Mr. Hall: We do have a number of properties that have been developed that do not conform with R-2. If something happened to that property will they be allowed to put back the type of development that they currently have, which exceeds the density requirements? Mr. Spriggs added that if they were developed and were made non-conforming by some code, they are protected.

Mr. Kelton asked were they developed prior to the annexation? Mr. Hall: They were developed in the 70's or 80's. Mr. Hall stated that a number of properties were developed and the zoning requirements were not adhered to. I can take you on a tour. They are in poor condition and they are problem properties. We would like to see this body show us that you are concerned about it, where it would be completely multi-family. The preferred development pattern appears as multi-family, and that doesn't make sense to me.

Mr. Spriggs stated that the idea of this revision is to deal with a "regulated district" and come up with a way to bring everything into current compliance. We have the same problem in the R-3 Subdivisions. The Commission is trying to derive a way to categorize these areas to be what they were intended to be. This is paralleled in other parts of the city as well.

Mr. Hoelscher added that this was started to protect what was there and realizing how it was developed. The City and everybody are legally limited. We can't change it to R-1 legally; and we have to realize that there are some individuals that bought property with the intention to be able to do multifamily and other things that are permitted.

The committee suggested may be a good way to do that but the owners have to represent a cross-section of ownership. Mr. Hall stated that he is suggesting that there be some in-depth discussion and exploration of what our options are. I don't think we should rush into anything in making changes. The recent land use master plan specifically recommends a large portion of the area west of downtown as a special area in the City of Jonesboro, labeled as downtown redevelopment district. The folks that put together that land use master-plan talked about the character of the neighborhood, the structures that were in the neighborhood, the quality of the area and I would like to see the City follow through with that recommendation to further explore what we can or cannot do.

Mr. Spriggs noted that we are moving into the fourth month of discussion and the idea is not to move in haste. Whatever recommendations the Commission derives will be taken into the public before and the stake holders to allow for good public input and participation. And these have been work-sessions that will be tabled until we can get the questions answered.

Mr. Hall: is there a possibility to create a special group to look at this whole issue. Mr. Spriggs: I don't see a problem in terms of worksession meetings. In terms of a committee that would have to be appointed by the Mayor and Council, but the MAPC has in its authority to establish sub-committees as we look at text amendments. In this case they are the initiator of this text amendment. As Staff we will be willing to meet with your group to work through some of the questions.

Motion to table by Mr. Kelton; 2nd by Mr. Hoelscher that this matter be Tabled . The motion PASSED by a unanimous vote

Aye: 7 - Margaret Norris; Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton; John White and Jim Scurlock

Absent: 1 - Jerry Halsey Jr.

8. Staff Comments

9. Adjournment