

## **RECORD OF PROCEEDINGS: MAPC MEETING MINUTES: October 7, 2013**

**SP-13-17 Site Plan Review:** Large Scale Development: Existing R-3 Property: **The Reserve at Sage Meadows.**

**Engineer Travis Fischer/TraLan Engineering**, on behalf of the Owner: The Reserve at Sage Meadows, LLC is requesting MAPC site plan approval for 41 one-bedroom and two bedroom units located on a 7.00 acre tract of land off of Prairie Dunes Lane in Sage Meadows Subdivision.

**Applicant: Mr. Donald Parker, Jr. addressed the Commission:**

**Mr. Parker** presented the revised Site Plan review for The Reserve at Sage Meadows, a gated community to be development on approximately 2.5 acre tract. Part of a larger 7.0 acre tract.

**Mr. Parker** added: The property is zoned R-3 and has been zoned R-3 since annexation into City and has been zoned R-3 since before the first lot was sold in Sage Meadows. This is NOT a rezoning request. R-3 Zoning District allows multifamily development of 18 units per acre as a matter of right. Property is zoned for 45 units.

The proposed initial development is on 2.5 acres and consists of 29 1BR and 12 2BR units, for a total of 41 units in 4 buildings in Phase I; The density is 16.4 units per acre in Phase I.

Mr. Parker: The R-3 District requires side set back of 7.5 feet and street and rear set back of 20 feet. There is no street frontage on development; Prairie Dunes is stubbed to property. However, based on concerns raised at last MAPC meeting, building on west side by 12th green has been moved to 20 feet from property line (from 7.5 feet). Entire first phase was extended to property line on the east to increase green space on west and between buildings. By extending/moving the development to the east, allowed larger hammer head turn around at the gate for anyone who is lost and does not have access to The Reserve.

Mr. Parker stated that the topography of the property falls west to east, and north to south; the first building will serve as retaining wall with landscaping, and no development will be visible from 12th green. Two-thirds of the north side will have a retaining wall, with landscaping area between wall and property line.

Landscaping regulations require 41 trees and 123 bushes in Phase I. Our plans are to significantly exceed the City's minimum landscaping requirements.

All comments received from staff and department heads, have been addressed; no outstanding issues. As part of the site plan approval, requesting that Prairie Dunes be renamed Reserve Blvd. No residences front on Prairie Dunes.

All buildings will be brick and stone. All one BR will be one level. The 12 two BR will be two levels.

One BR units will be approximately 700 feet and anticipated rents will be \$850 or higher.

Two BR units will be approximately 960 feet and anticipated rents will be \$975 or higher.

Target market: retirees, empty nesters, and young professionals.

In August, Mr. Tomlinson requested the opportunity to see the conceptual for the remaining development. It is included in your packet.

**Mr. Parker explained the Concept** for remaining 4.5 acres: Large one story 2BR/2BA units in 4-plexes along golf course; with 2 story flats behind one story 4-plexes. With landscaping and typography, only the single story 4-plexes will be visible from the golf course. With proper landscaping, parking lots will not be visible from golf course.

Setback on south side designated as rear of property to provide maximum set back adjacent to existing single family residential: 20 ft. set back required for rear set back in R-3. Extended set back additional 5 ft to provide 25 ft. buffer with existing single family development along Inverness. Anticipated that area will be fenced and heavily landscaped.

Set back along golf course is 7.5 ft (side set back). However, conceptual plan is to extend set back to 20 to 25 ft. along golf course, provided that an agreement with the Sage Meadows POA can be reached regarding landscaping, fencing, sight restriction limits on golf course and maintenance of property visible from golf course.

Sage Meadows POA: On August 28, we met with Otis Spriggs and 2 gentlemen from the POA Board to review and discuss our site plan and concept for future development. The primary concern raised (other than some residents don't like apartments) was increased traffic.

Received assurances from Mayor and City Engineer (who confirmed with County Judge Ed Hill) that upon completion of Aberdeen and Country Club Blvd to the Sage Meadows property line by Kelley Copeland, the County, with assistance from the City, will complete paving Aberdeen to Macedonia (CR 712), allowing for a second access to and from Sage Meadows.

Based on information from his engineer Carlos Woods and his contractor Jim Gulley, Mr. Copeland's work on these roads should be completed in November. Assuming that occurs as planned, the street work to provide access to Macedonia should be completed in early to mid 2014. Thus the second access should be completed prior to Phase I completion.

We anticipate that assuming site plan approval today, it would be December before we can get our construction loan closed and begin site work. Foundations will likely not be poured until sometime in the first quarter of 2014, with completion likely late summer or fall, 2014.

Additionally, working on agreement to bring construction traffic through undeveloped property to east, so no construction traffic through Sage Meadows. Thus, any traffic concerns by the residents of Sage Meadows should be alleviated prior to any occupancy of Phase I.

**Mr. Parker's Closing:** In summary, the proposed site plan is situated on existing R-3 property, allowing development for 18 units/acre, the plan meets or exceeds all applicable criteria established by the City, all comments raised by the staff have been fully addressed, and the traffic concerns raised by the Sage Meadows POA will be alleviated by the access under construction to Macedonia (712). We would appreciate your favorable vote to approve the site plan.

**Staff:**

**Mr. Spriggs** stated that the proposed plan before the Commission is a revision of the original submitted recently. The applicant has made consideration of the comments made by Staff and the Commission as it related to the property line setbacks and buffering from the single family residential areas; and consideration of open space buffering. Staff feels as though the applicant has addressed those concerns with the new site plan. Also, the MAPC also expressed concerns about the acreage to the south would relate to the 41 units, although not a part of this administrative approval. The applicant has outlined openspace provision such as the club-house and pool area and the configuration of the units in the southern and future phases. The Code does have certain open space requirements that area controlled by satisfaction of certain building and lot coverage. The MAPC is asked to approve a site plan for the 41 units, of which we considered a large-scale development. This is the reason the item is brought before the commission as an administrative approval.

**Mr. Spriggs:** The provisions for the vehicular turn-around at the west entrance and access concerns raised by the Engineering and Planning Departments were addressed. The concerns of the East-West connection that was raised by the Commission was also addressed by the applicant. The status of Clubhouse Rd. has been commented on and we feel confident that will happen in a timely fashion as it related to the construction of this phase. **Mr. Spriggs** also observed that the property is currently zoned R-3 high density multi-family and the question of use is not a subject of this request, but a site plan approval is the request before the Commission and staff is available to answer any further questions.

**Public Comment:**

**Mr. Buddy Nichols**, General Manager at Sage Meadows presented before the Commission stating that on August at the regular meeting of the Board of Directors, they approved a resolution against the complex, Mr. Parker spoke about. The resolution was read and copied to the Commission noting opposition to the apartment complex for reasons of increased traffic and the safety of the Sage Meadows Residents who travel the streets. It was signed by all 5 board members. A large group of residents were recognized and stood up.

**Diana Roush:** Stated that she has lived in Sage Meadows since 1996. Stated that they bought in Sage Meadows when it was said it would never be a subdivision and that they were guinea pigs and would lose their money. Now when you drive through you can see we did not do that. The residence have bought that golf course. And, have invested our lives in that. We would love to see an aerial view since 1998 until now to see how it has grown with single family homes. We do worry about more traffic. She noted that Mr. Kessinger is putting in more houses at the front of the subdivision. Some will come through the Boulevard and some will come through Macedonia Rd. We worry about traffic at the Villas, where David Onstead is adding about 14 homes. We have to think about the children waiting on buses,

residents who are walking or running. The hospital has given us lots of residents and growth for our area. We do not want apartments at Sage Meadows, nor apartment dwellers going through our subdivision. She presented 447 signatures of residents at Sage Meadows saying we do not want apartments.

**Dulane Hogan, 4504 Lochmoor:** Commented on the fact that the area is already zoned R-3 and stated he would not want to be in the shoes of the Commission. Mr. Hogan stated that he wanted to tell the Commission on how it became R-3.

**Mr. Hogan:** September of 1996 and May of 1997, the City of Jonesboro annexed 528 acres to be known as the Sage Meadows' Project into the city limits. The City could have just then granted the availability of apartments 7,000 - 8,000 apartments on that R-3 property. They knew that would not happen, because the Mayor was going to make sure it didn't happen. Mr. Trout and Mr. Arnold wanted to build a golf-course community with houses and apartments, which were mentioned one time. (Which was the very front section in Western Gales). In 2010 the property owners purchased the golf course to protect their home values, the golf course, and safe environment. No sidewalks were required of the developer so the residents take care for the safety of the pedestrians walking in the streets. Dues and amenities were discussed.

**Mr. Hogan** mentioned that the developer pulled the "26-(un-platted) acres" out of the Sage Meadows Subdivision. Mr. Hogan asked why did the City make sure that property remain a part of the Sage Meadow's project golf course development? He mentioned his request for Freedom of Information on March 12, 2010 on any and all information on Sage Meadows.

Mr. Hogan: He recalled the annexation documents: AZ-96-1 # 17. He requested the infrastructure plans for the annexation or the master plan for this project; which he was never given. A letter to Brian Wadley for the annexation for R-1 was sent. On May 13<sup>th</sup>, the staff report noted that he request for annexation was for R-3 with development plans forthcoming. In the report Mr. Wadley stated: "*it is happening again, that our city is expanding again without an annexation plan. I have asked the Mayor and City Council to adopt a moratorium until an annexation study and plan is in place*". It was approved without one. 528 acres of R-3 Zoning was approved.

**Mr. Hogan** spoke of a meeting and an agreement on Lochmoor to have it completed. Mr. Hogan showed a copy of a Sage Meadows Phase II-A & II-B; A schematic utility plan was also shown. He stated that the only zoning available in 1997 was R-3 that would allow zero-lot lines in the very back. Single Family lots were marked off. Mr. Trout told me that this will never be apartments and told others. Three years ago I went to the Mayor and asked what should we do? They did not know.

**Mr. Hogan:** The apartments? Let the apartments exist. Let them exist. What we would like to see is that the ingress and egress not come through the development. We do not want the traffic. They will go straight through the neighborhood and one kid could get hit. There is a way to get to this property and Mr. Parker is very well aware. I hope that he and his partners will look at that. They want to use the Sage Meadows' name instead.

**Mr. Hogan** presented the 2010 proposed Land Use Map and asked what was recommended over there. “Low Density Single Family Residential”. A manipulation of this property has been going on. If we set back and let over 600 homes the size of Brookland and put 27 acres of apartments in it. Mr. Hogan read the minutes when Alec Farmer and Mr. Shipley on October 4, 2004, commented on a zoning case that came up in MAPC (meaning City Council) questioning the R-3 Zoning.

**Mr. Hogan** read the minutes as filed:

*Councilman Farmer asked for clarification that Planned Unit Development (PUD) is now treated just like a zoning request. Interim City Planner, Ron Shipley confirmed and explained the R-3 zoning used at Sage Meadows was to reduce the lot size to accommodate the patio type homes for a larger density of housing. Councilman Farmer explained the Bill of Assurance and Restrictive Covenants for areas like Sage Meadows are filed with the Circuit Clerk’s Office and provide protection for property owners even though the property is zoned R-3. He further explained when the City of Jonesboro annexed property into the city everything was brought in as Residential (R-1) whether or not it was suitable for that type zoning. **Mr. Hogan stopped reading at this point.***

***He asked that the MAPC would consider that it is R-3 but it was considered that for patio homes and not apartments. Mr. Hogan asked the MAPC to decide on what is right not what is legal.***

***Mr. Spriggs gave an overview of the history of this R-3 project. Mr. Spriggs later stated that he recalled that there were other comments made by others:** Discussion followed regarding the retention of water, where it would be located and would it be necessary to rezone the property for the retention pond. Mr. Arnold clarified that he intends to provide the buffering on his property which has a natural buffered area. Mr. Shipley informed council members that this was a high use area and was in compliance with the Land Use Plan. Mr. Robert Ryan also addressed the Jonesboro City Council pointing out that if Mr. Kent Arnold is an agent for the sale of the property, then he cannot say how the property will be developed. Ms. Susan Smith questioned if it were possible to impose restrictions in perpetuity through zoning, with Attorney Crego responding he knew of no way to do so. Over the years the property owners have rezoned portions within Sage to R-1 Single Family and we anticipated that it would return with questions.*

The legality of the R-3 is not the question tonight.

**Mr. Hogan:** On the same day, the 86 acres were brought in, Sage’s attorney had the first few stages changed from R-3 to R-1 but that happen from the front to the back.

**Ms. Nix,** asked for the date on the maps he presented: he noted 1998. Mr. Spriggs asked to see the title of the drawings presented for the record? Phase II-B that shows the lots marked off, signed off for final approval January 15, 1998. Did Associated do Sage Meadows? **Mr. Spriggs** noted that they were the engineer of record. **Mr. Spriggs** asked if that phase include the subject

property of tonight? **Mr. Spriggs** asked to see the record plat. He noted that this phase that shows supplemental information that showed the future areas in concept. The subject property is not a part of the recorded plat. Sewer, water and street- Would you not consider where the lines would go when you approve this section? **Mr. Spriggs** stated that the subject acreage was not part of that platted subdivisions. **Mr. Hogan** has presented drawings that were not all approved or recorded. The utilities plan presented was conceptual, and was probably used by the utility company to assume the full project build-out.

**Ms. Nix:** this yellow highlighted zoned was it included in the original drawings? Is this the way it was presented? **Ms. Nix** asked if the plan was accurate? Would it be the way it would be developed? **Mr. Spriggs** stated that it was a conceptual plan. That may have been presented to CWL for information. That part of this phase was never presented and approved by the City. It was annexed in and rezoned. It was never officially approved. In any of those, have they shown apartments back there, **Ms. Nix** asked. **Mr. Spriggs** stated no.

**Mr. Spriggs** noted also that there were streets sketched on the concept plan for the subject acreage. The city cannot enforce those street layouts, they are considered paper concepts. This was one of the difficulties that Staff had with the area- because it was not platted property . We met with the new landowners and developers, we stated to them that when you come back with a proposal or improvement of the un-platted property, we will treat it as a large-scale development, and we need to deal with the East-West Connection, which we are dealing with that at this time. **Mr. Hogan** asked **Mr. Spriggs** if he thought a document like that (utility plan) would be used by another board of council to make a decision? **Mr. Spriggs** responded that he is correct that it could be used for informational purpose when we deal with connectivity, but it has no legal standing other than for conceptual purposes.

**Mr. Hoelscher** asked **Mr. Spriggs** to clarify what the MAPC will be voting on.

**Mr. Spriggs** noted that the only reason this plan is presented to the MAPC is because it is a large-scale development and we knew that this R-3 property would be developed and we stated to the developer that once it came back to the City, this is how we would handle it when it exceeded 48 units to see the connectivity.

**Mr. Spriggs:** You are presented a site plan unfortunately it is zoned R-3 and no one wants the apartments there; however you have been presented with a use that is permitted and allowed on the property, and we have to deal with the site plan issues tonight.

#### **Commission Deliberation:**

**Mr. Kelton:** I was a member of the Jonesboro City Council from January 1 1993 – December 31, 2002. Everything that happened out there I was a sitting and voting member. The way I remember it, it was petition to be annexed as R-3 and we were looking at something new to us at that time- *A Village Concept*. The land use plan was adopted in 1996, and we had just been presented some new information and terminology to develop property and new ideas on

maximizing profits for developers by placing more buildings on a lot. There are three parts of the process: acquisition costs are high, development costs are high, you have to work within a margin that your final sales price is acceptable to a buying market. When they petitioned us with this (speaking only for himself), this was a chance for the City of Jonesboro to grow along the Hwy. 351 corridor, to extend sewer to that area and to encourage additional growth and development. One of the things about the village concept is that it was to be on a very limited basis, a mixture of single family, multi-family, and commercial development. The commercial development was to be along the corridor – first 300 ft. then multi-family and single family. The community has a lot to be concerned about, but looking at the history it appears the developers have met the requirement of the site plan approval.

**Mr. Joe Tomlinson:** What is the current Land Use Plan for this area. **Mr. Spriggs:** Low density residential. **Mr. Tomlinson** noted that he worked on the Land Use Committee and does not recall rating Sage Meadows as high density development. He asked the developer about channeling the traffic to Macedonia Rd. **Mr. Parker** stated that he had approved the adjoining property to make every effort to have another/secondary access to Macedonia and they have said, **No.**

**Mr. Tomlinson:** With instead of two exits through Sage Meadows and just one to Macedonia, It seems these people will be happy. **Mr. Don Parker** noted that his property will be land-locked with no access allowed though Sage Meadows.

**Mr. Tomlinson** made further comments about his experience with apartments and the devaluation of property. He has never seen anyone that has looked for property that was located near apartments.

**Nancy Robinson,** You said you could use the access to the east for your construction? Why can you not use it permanently? **Mr. Parker:** described the property to the east. We worked on a number of concepts; they will be separate and I do not think that a single access will handle the traffic from what would be developed there. The response to the question; it will be only for construction traffic. As an attempt to divert as much traffic as possible, and to reduce construction traffic is our attempt.

**Mr. Reese:** By what means do you propose to control the construction traffic. It is very difficult to control. **Mr. Parker:** Contractors will be instructed to use the alternative access.

**Mr. Lonnie Roberts** asked what is the status of the completion of the second street to Macedonia?

**Mr. Parker:** There was a pre-meeting and Mr. Copeland stated that his contractors are saying that his portion of Aberdeen will be in Mid-November. The City Engineer has stated that it will be 2014 before the City and County will completed Aberdeen to Clubhouse to Macedonia. (1<sup>st</sup> quarter or second quarter). **Mr. Spriggs** stated that one part of the construction is contingent

upon the other; Mr. Parker presented the Mayor's email explaining the City's position. Mr. Roberts read the email:

*As you know, Don Parker's case will be going to the MAPC. I've talked with County Judge Ed Hill and because of safety reasons we've agreed to pave the road on 351 up to the private property line, when Kelly Copeland is done with the drive. The county will do the base, no curbs and the city will pay for the asphalt. If you have any questions please let me know.*

*Thank you, Harold Perrin, Mayor*

**Commission Action:**

**Mr. Scurlock:** All people have made good points. Our job is to do what the law says and protect property owners of small and large properties. We need to think of a couple of points that have been brought up: I remember like when Mr. Kelton discussed when Sage Meadows was just a concept, it was going to be a village concept with a movie theater, fast food, laundry and you would never have to come to Jonesboro. But, the market changes and the zoning has changed. This R-3 concept has been R-3 Zoning since they started selling lots. I don't think we have any choice but to approve this as presented. They have made every effort to try to make this thing less obtrusive. **Mr. Scurlock** made the **motion for approval** of the Site Plan. Motion was **seconded** by **Mr. Dover**.

**Scurlock- Aye;**

**Hoelscher-** Stated he has no personal or professional connection with the project, but **Abstained;**

**Kelton-Aye;**

**Mr. Reese- Nay:** We have an obligation as Commissioners to look out for both sides; even though it meets the criteria of the law, I can see where it got out of hand, for people to look at a conceptual plan, and plan on your future to invest the money they have in new homes, we have an obligation to those folks;

**Ms. Nix: Aye:** I know that Mr. Parker and Mr. Osment have met all of the requirements of the law and all of the regulations, but when I was asked to served, it was said that it's not always what but what can be done but what should be done. The current Land Use Plan has that single family residence and I believe that's what the intent was suppose to be so I vote no.

**Mr. Dover: Aye**

**Mr. Tomlinson: Nay:** I would lean a little heavy on the Land Use Plan, because I was on the Land Use Plan Committee, because when we saw that it was R-3 Multi-family, we did not re-designate that as high density, so it remained as low density. Mr. Tomlinson added that there is a legitimate argument on the devaluation of property.



**Ms. Shrantz: Aye:** Based on the information provided and that we are reviewing a site plan. It has seven less units than it could have, and 29 of those units are 1-bedroom.

**Chair Roberts: Voted to break the tie vote and to pass the measure. Aye.** Voted yes based strictly on the site plan.

Site plan was approved at a **5-4 vote. (Note See Corrected MAPC Minutes for August 13, 2013 which apply to this case).**