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Record of Proceedings: Public Hearing Held on March 12, 2013 by the MAPC

Chairman Roberts recognized 32 residents who stood in opposition to the case.

Applicant: Attorney Don Parker introduced the representatives from Unico Bank- Mr. Ron Stevens, President of Unico, Bill Lafarlette, Sr. Vice President of Unico Bank, who is requesting a rezoning of 2 tracts of property totaling 48.26 acres. Unico has acquired 31 acres by foreclosure and on Watson Trust parcel is being purchased solely to provide access to the Unico Bank tract. He represents both Unico and the William Trust.

Mr. Parker continued stating that the MAPC considered this case during its December 11th meeting and at the request of the MAPC and as agreed by Unico Bank, the case was tabled until the hydrology study was completed. Unico Bank engaged Engineer Bernie Ault to determine the location of the floodway in this area, and to determine the effect of the development on the floodway. After spending over \$23,000, Mr. Ault has determined that the floodway is within the banks of Higginbottom Creek and that will not be changed with this proposed development. There will be no adverse impact to the floodway from this development.

Both existing tracts are currently zoned R-1 Single Family Residential. The rezoning is a request for a change from R-1 to RS-7 Single Family for the 8.81 acres, which will be a buffer between the existing single family homes in Caldwell Acres, zoned R-3, with the approximately 48 acres under the Planned District RM. The total project will result in approximately 177 mixed units as proposed; that being 37 single family lots; 22 single level duplexes as shown in the Planned District Development; totaling 44 units; there are 12- single level 4-plexes (48 units); and 22 town homes (additional 48 units); 140 units for duplexes and multi-family in the proposed Planned District Development. The open space area was also identified (7 acres). Access to the Planned District Development will be solely through Ingles Rd. There will be no access between the Planned District Development and Caldwell Acres. Lexee Dr. and Keely will access the RS-7 area only. Given development and land costs the rents will be in the \$800-\$950 range. The density in this proposed RS-7 Single Family District will be 5.2 units per acre (same as Caldwell Acres); 5.4 units per acre in the Planned District Development (same as the single family district). This proposal also addresses the former concerns of crime and traffic raised by the opposition. Given the density, it will not result in more traffic. Crime occurs at higher densities; that is not the case with this development. The Planned District Development gives the Planning Commission extensive control over the development of this property. Future development must follow this plan as outlined and proposed. The developer must come back before the MAPC and the Council if they desire to change the planned district. Also, additional conditions and stipulations can be placed by the Commission when the Site Plan is reviewed. Ingles Rd. is designated as a minor arterial road. This property is located at the

edge of the City limits and has access to adequate utilities. The development is 1-mile to the bypass overpass at Richardson Rd. and ½ mile to the Optic Fiber Park. The primary access to the property will most likely be Willow Rd. Unico Bank has no objections to any of the conditions recommended by Staff, including the granting of additional right of way along Ingles Rd.

Staff:

Mr. Spriggs gave additional comments from Staff; noting that this is a continuance of the issue that was table by the Commission. Public input was given in December. The MAPC had concerns of providing a buffer to protect the Single Family Subdivision. The MAPC discussed a 280 ft. buffer from the Single Family, thus situating the Multi-family near the ditch area. The applicant revised the plan to accommodate the rezoning as a Planned District Development.

Department reviews were discussed: Police Department reported concerns with the added density and load on existing infrastructure and services by Multi-family and its influence on crime. The MPO office issued concerns of connectivity of future development to the east. Connection to Willow Rd. and Colony Dr. to the West. Connectivity to the areas south towards the County was also a concern. Mr. Spriggs stated that there is a stub street that will connect towards Gladys Drive to the west. There is also a stub street to the South.

The Conditions in the report were read.

Mr. Hoelscher: Is the single family portion a part of the Planned District? Mr. Parker: It comes as two separate items. We didn't want to change our original application to greatly. If the Commission desired it to be one; then we do not oppose that. Mr. Spriggs noted that it can be done either way. Staff requests that the RS-7 Single Family be a Limited Use Overlay so that he conditions can be duplicated. Mr. Hoelscher asked if the individual lots can be sold to individual new owners? Mr. Spriggs stated that the lots will be still be subject to the subdivision rules and regulations.

Mr. Kelton asked about the perimeter fencing. Between the R-1 and the Multi-family. It will be placed between the two.

Public Input:

Doug Ward: 3407 Colony Dr.: Submitted a petition of 300 signatures in opposition. Noting this has been postponed a number of times. A bigger crowd would have been here in December/January; but some were confused, because the date got changed, and people were warn-down.

Mr. Ward: Presented a handout. Since 1992, this is the 4th time he has appeared before the MAPC and Council in opposition to rezoning to multi-family apartments and duplexes. Every time the City Council has voted it down. Mr. Ward spoke on the Jonesboro crime data where the circles crime coincides with multi-family and rental properties. Without high crime rate and apartments in our area, we've kept it that way for years and want to keep it that way. Mr. Ward referred to the last rezoning

requested Colony Drive. Infrastructural problems were discussed. Reference was then made to the railroad tracks. Mr. Ward mentioned that the people will travel Colony Dr. Nettleton Schools run 22 school buses a day, and there has been 3 deaths. Since 1992, we have fought to preserve the Zoning in the area. The traffic will go down Colony Drive. Mr. Ward showed a map of the vacant land in this area. The issue is bigger than this proposal; we have an infrastructural problem with access, rail roads etc. What happens tonight will determine what happens to all this vacant land in the area. Eyes are watching. People with money in their eyes are watching as soon as you approve this, we will be inundated with apartments over the next year or two. People don't want apartments in their back yard. He added that the value of the starter homes will be worth less than their mortgage.

Kim Johnson, 3619 Ingles Rd.: This will be next to my house. Its right on my house. On the bridge she had 2 trucks flip in my her front yard. One time here kids were playing when it flipped and were fortunately out of the way. The only entrance will be on Ingles Rd. Are they taking into account children on Ingles Rd. it is like a big family. Ms. Johnson noted that she pays a heavy flood insurance rate for her property.

Kim Johnson: She mentioned having trouble placing small shed that was on a skid, because of the FEMA Program. What impact will this have on drainage and flood plain? She further commented on the water issues and traffic concerns, with the one entrance that is at a very dangerous bridge. She commented on the police department enforcement on the speeders. Don't destroy this part of town; build a park out there. You want a water park? Put one out there.

Phillip Cook, Stated he lives on Richardson Rd. The pavement is 22 ft wide, with no shoulders and deep ditches. There is lots of cars that come down that road that are traveling through. It is hardly wide enough for 2 cars; especially with dump trucks running down that road and school buses also. Infrastructure here is terrible. No stop lights. Everyone wants to come out one way. Wanted to bring a copy of the constitution of the U.S. Read the language. We the people... Mr. Cook commented that he could not hear the comments from the Commission.

Beverly Riley, 3700 Lexee: She purchased her home in 2007; it is her first home. She is divorced, a single parent raising 2 kids. We love the neighborhood, and enjoy their neighbors. One of her kids in college. Ms. Riley added: The homes cost \$130k - \$150k and with the home owners there, it is not easy. You will bring in apartments and I will be upside down my mortgage, if I had to move or sell it. She commented on all the traffic to Colony Dr., from Lexee Dr., heading to Stadium over the railroad track that is always backed up. Don't do this to the new home owners. It is affordable for struggling single women and middle class families.

Douglas Holmes, 3512 Limestone Drive: He has been there for 30 years. People have talked passionate so far. Infrastructure is an issue; spoke on the traffic back up from Stadium Dr. from the Bypass. On Harrisburg and Caraway you have the same situation. What do they have in common. You have the Gladiolas Apartments, Links on Caraway; apartments down by Fox Meadows School, Willow Creek Phase 1 and 2.

Douglas Holmes: Spoke on the five biggest employers north of town where the people will be trying to get north of town. He spoke on the load of the traffic that will be on Willow Rd. Nettleton School and the mall traffic will be going through Willow Rd. Kids will be accessing Stadium to drive to the campus and it will be dangerous.

Public Debate was closed.

Mr. Kelton inquired about the R-1 Residential Zoning requirements; he asked will the housing be equivalent to the RS-7; and will it be consistent with the size of the lots in Caldwell Acres. Mr. Parker replied that the lots will be either equal to or greater than the existing development. Commenting on the comments about traffic, Mr. Parker stated that the density of this propose Planned District Development is virtually the same as the RS-7 or what is in Caldwell acres. So whether this develops as a Planned District or otherwise, the growth will incur the same amount of traffic. It is not going to increase, because these or duplexes or four-plexes. It will be the same as if these were developed as single family lots. The density is the same. Mr. Parker made reference to the crime data, noting he is familiar with the reports and hot spot circles of high crime areas. Look at the high crime areas and they are high density, low rent multi-family areas associated with lower income.

Mr. Hoelsher asked if the proposal on the screen, the official proposal to be considered? Mr. Parker: replied yes with the inclusion of Preliminary and Final Subdivision submittal before the MAPC.

Michael Morris: Are the interior roads public or private? Mr. Parker: They will be public to the south and to the east, and they will conform to city street standards. The road ways, right-of-ways take up at least 5 acres themselves.

Motion was made by Mr. Kelton to place Rezoning Case RZ 12-24 on the floor for consideration and recommended approval to City Council, as presented for a rezoning from R-1 Single Family Residential to PD-M 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; 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 PD-M maximum density shall not exceed 5.9 units per acre (22- 4-plex Townhomes); 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 Rd. 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.

A motion was made by Ron Kelton, seconded by Paul Hoelscher, that this matter be Recommended to Council. The motion carried by the following vote.

Aye: 5 - Lonnie Roberts Jr.; Brian Dover; Paul Hoelscher; Ron Kelton and Kim Elmore

Nay: 2 - Beverly Nix and Jerry Reece

Absent: 2 - Joe Tomlinson and Jim Scurlock