



City of Jonesboro

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

Meeting Minutes - Draft Metropolitan Area Planning Commission

Tuesday, July 13, 2010

5:30 PM

900 West Monroe

1. Call to order

2. Roll Call

Present 6 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; Jerry Halsey Jr.; John White and Jim Scurlock

Absent 3 - Lonnie Roberts Jr.; Brian Dover and Ron Kelton

3. Approval of minutes

Approval of MAPC Minutes for June 8, 2010.

A motion was made by Joe Tomlinson, seconded by Margaret Norris, that the July 13, 2010 minutes be Approved . The motion carried unanimously.

Aye: 5 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Ron Kelton

4. Preliminary Subdivisions

4.

PP 10-03: Wildwood Addition Subdivision -Phase II- Preliminary

Applicant/Agent: Owner: Bob Troutt request Preliminary approval of a subdivision located East of Old Paragould Rd., @ Aggie Rd.; east of existing phase one of Wildwood Addition, having a total of 5.45 acres +/-, with 24 proposed single family lots.

Mr. Jeremy Bevill, of H.K.B., Stated that they prepared the plans and he noted that the subdivision has 700 ft. of linear footage along Wildwood Lane with 24 lots on 5.5 acres. Mr. Spriggs gave staff comments and reflected on comments from the MAPC pre-meeting. Drainage and utility questions were answered prior to the pre-meeting. On lots 13 and 27 the applicant has agreed to place an all-weathered truck turn around as requested by the fire department. Mr. Bevill stated that his client will do an all weather road to the north property (connect to Gerald Dr.). Mr. Michael Morris, of the City Engineering Department, stated that the fire code says that if you have more than 30 lots you must have 2 entrances or sprinkle every home. Motion was made to approve the Preliminary Plan with changes as noted.

A motion was made by Joe Tomlinson, seconded by Margaret Norris, that this

matter be Approved . The motion carried by the following vote.

Aye: 5 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Ron Kelton

4.

PP 10-04: Briars Subdivision - 2nd Addition- Preliminary

Applicant/Agent: Owner: Robin Nix, Nix Development Cooperation request MAPC approval of a Subdivision located North of Windover Rd., proposed intersection of Arrowhead Dr. & Lombardy Dr. , North of Briars 1st Addition; Total Acres: 14.41 acres +/-, with 27 Proposed Single Family Lots.

Kelly Panneck, Engineer stated that his client Mr. Robin Nix and Jud Nix of Nix Development Corporation has proposed a preliminary plat on 14.4 acres, with a total of 27 lots ranging ins size from 0.3 and 0.45 acres. The Bill of Assurance, which was submitted will restrict houses to a certain size (1,800 sq. ft. minimum/ 2 story 2,000 sq.ft.) and will provide for a road connection with Arrowhead Dr., an existing stub from Indian Hill subdivision; and Lombardy Lane from Briars Phase 1.

Kelly Panneck: The owners to the north wanted a thru- connection to the 20 acres to the north of our subdivision, on towards Ritter Park Development on the east (area in blue). The Hills had concerns about having access through Lombardy going north into their property and connecting through Ritter Park on the commercial drive. In the meeting we have proposed to take Lombardy Ln. north and connecting into their 20 acre development, which would allow them to connect to the east to Ritter Park. We felt it would be an undue hardship on the developer if he had to build 3 connections. In discussion with the City Engineering Department that will cause an undue hardship if he has to connect in 3 places, and lose more lots, having to build an additional road. As a compromise, we met with Staff and propose not to connect with Arrowhead Dr.

Kelly Panneck: There are drainage channels on the west with a 100 ft. easement. Triple runs of 44 inch pipe go under that road. By not making that connection to Arrowhead Dr., it will allow us to have one continuous detention pond. There is also some discussion about the connection north if made, they didn't want to make the connection north to Sequoia and connect through Ritter Park. If you make that connection you will have a collector road running thru the subdivisions and connecting thru to commercial- Ritter Park like Harrisburg Road does today. To avoid that problem we would go due north on Lombardy and then turn to the east- that will provide 2 access points to both properties. Not all of the lots in Phase 1 have to access on that entrance some access Windover.

We will not connect into Indian Trails, we would go North on Lombardy and the Hills will tie back to Ritters Way and Browns Lane.

Mr. Spriggs asked will there be a T-terminus or cul-de-sac at Arrowhead Dr.- where it will end? Mr. Panneck stated that they will barricade it. Our detention is in that area.

Mr. Tomlinson all you can do is take Lombardy straight north? The Hills will want some assurance that they can tie back in to Ritter Way.

Mr. Spriggs stated that the previously approved Ritter Subdivision shows a stub out to the west and will provide that assurance.

Mr. Panneck: The commercial property ends at the 20 acre residential tract; then it would extend back to Lombardy and back to Windover. They could have gone to Harrisburg with the plan submitted and also go to Windover; now they can only go to Windover now. Mr. Tomlinson: It cuts down the access. How long will it be before Lombardy will extend through there?

Mr. Scurlock asked about the traffic impact on to Abbey Rd. Kelly Panneck commented that on the proposed 27 lots with 5 trips per day per household, you are looking at 135 trips and out. In the morning there will be some congestion.

Public Input:

Kent Gibson, lives on Summerset in the Briars: questioned whether there is a drop-off from Summerset in the Briars? The answer is there is a drop off from Somerset and drop off the church property and there is a drainage problem. The church drainage plan was minimal. The retention pond is on the west side, and there needs to be one on Lombardy.

Kelly Panneck illustrated the drainage/detention concept stating that they have dual retention ponds. We collect everything with a pipe designed for a 100 year flood event and releasing at a controlled rate.

Mr. Gibson stated that the Church does not take care of its drainage runoff.

Mr. Gibson stated that there is traffic congestion out of Briars Subdivision. The peak traffic even with the turn lane on to Harrisburg the traffic backs up to the entrance. Presently with 31 lots, there is a problem. That proposes a problem having one egress. Mr. Spriggs stated that the recent traffic light problem was to alleviate some of the traffic on Windover. It appears to have improved the flow. Mr. Spriggs added that Windover is functioning like a minor arterial.

Mr. Gibson: Most of the houses in the Briars have \$300k to \$500,000 prop values. Putting 1,800 sq.ft. homes next to the those will have an impact on the Briars having larger houses than the proposed.

Mr. Hill recognized 10 people from the Briars Subdivision that stood up.

Bobby Hogue commented that he lives in the Briar. He would like to see some of these ideas on the plan before MAPC approves. He commented on traffic congestion as well.

Mr. Nix: We originally submitted with connection to Arrowhead. If the Commission agrees that plan should be done, I agree with that. There is a problem coming out there; this was after Kelly Panneck talked to the city officials.

Mr. Spriggs stated that this is the preliminary review and the final changes will

have to come before the Commission as a Final submittal.

Scott Hill, owns the tract just north; stated that if Mr. Nix goes along with the purposed plan, He doesn't have anyway way of knowing for sure if he can use Ritter Lane. The only access I would have out will be Sequoia. Mr. Spriggs responded that there is stub street west of the Ritter Park. If you develop streets in that direction you can connect to the public right of way.

A motion was made to approve the Preliminary as submitted.

Mr. Nix stated that right now the water flows right across there. We shouldn't be held hostage for what the church did not do. This will help the problem.

City Engineer, Mr. Craig Light stated we have a copy of the drainage report and we will review it for compliance of city code pre-development and post-development flows should essentially be the same. It is not the developer's responsibility to fix the existing problems. The stormwater management board has set that as precedence when we adopted the drainage code.

A motion was made by John White, seconded by Joe Tomlinson, that this matter be Approved . The motion carried unanimously.

Aye: 5 - Margaret Norris;Joe Tomlinson;Paul Hoelscher;John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.;Brian Dover and Ron Kelton

5. Final Subdivisions

5. FP 10-02: Barrington Park Subdivision- Phase Four- Final

Applicant/Agent: Owner: Jim Abel, requests MAPC approval of a 15 lot subdivision located: South of Woodsprings Rd., east of existing phase three of Barrington Park, having 6.46 acres +/-.

Carlos Woods presented the plan for final approval. I have been in contact with the Engineering Department. I have six requests of the plan changes we have no problems with making the changes. Mr. Spriggs noted compliance of all subdivision guidelines. No opposition.

A motion was made by John White, seconded by Joe Tomlinson, that this matter be Approved . The motion carried unanimously.

Aye: 5 - Margaret Norris;Joe Tomlinson;Paul Hoelscher;John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.;Brian Dover and Ron Kelton

6. Conditional Use

7. Rezoning

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

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.

Motion to un-table was made by Mr. White; 2nd by Mr. Tomlinson. Motion Carried.

Mr. Spriggs gave an update since last meeting. The language dealing with appearance was revised "residential character". The box car/box truck beds would not be used as permanent accessory structures. There were concerns for accessory dwellings. This adds provision within the R-1 District. The pod definitions and guidelines were also added.

Mr. Halsey asked for clarification on the 25% threshold/1,500 sq. ft. maximum allowance for the amount of heated and cooled space. There may be instances where they may want more. Mr. Spriggs stated that this was studied about 3 years ago. The idea was to avoid individuals turning the unit into multi-family. Mr. Tomlinson suggested that we change the language to read: "one acre or more".

Mr. Nix asked the question for 100 acre site with an accessory structure, would it be limited to 1,500 sq.ft.? The size should be insubordinate to the main structure and not exceed the height of the main structure (remove the height).

Mr. Spriggs clarified that it is possible depending on the size of the principle house. Otherwise they can be granted by MAPC approval or variance. The code allows you to do that by-right.

Mr. Hoelscher asked for clarification on the heated and cooled space to read "occupied/dwelling space".

Motion was made to table the text amendment so that the noted changes can be made.

A motion was made by John White, seconded by Joe Tomlinson, that this matter be Tabled . The motion carried unanimously.

Aye: 5 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Ron Kelton

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

Motion to un-table was made by Mr. White, 2nd by Mr. Tomlinson. Case was un-tabled.

Mr. Spriggs summarized the new changes to the document. Staff has presented how we should deal with the R-1 District which is a non-conforming district and we elected to create a parallel section to the current restrictions of the R-1. The commission was in concurrence with staff's proposals.

We were told to go back and look at the districts having attached living: R-2, R-3, R-4, R-5, R-6.

We created the RM-2 District to mirror the R-2 existing district. The idea is to make the district uniform and allow for one single code document for referencing. Section 3 we stated that the R-1 District will be reclassified as RS-6. Property currently zoned R-2 will be reclassified as the RM-2; Property zoned R-3 will be reclassified as RM-16 which will mirror the R-3 regulations closely.

RM-2 Low Density Multi-family District (ADD): Residential multi-family classification permitting duplexes, tri-plexes, or fourplexes; Minimum area per unit shall not be less than 3600 s.f. Minimum lot size shall not be less than 7200 s.f.; Minimum front yard setback shall not be less than 25 ft.; Minimum side set back shall not be less than 15 ft.; Minimum rear yard setback shall not be less than 20 ft.

Mr. Hoelscher asked for a brief explanation of what started this for everyone present.

Mr. Spriggs re-clarified:

With the current R-2 District, we are running into a problem with the old district standards which allows for duplexes, triplexes and fourplexes; under that district it states that you can only have one building on one lot. We are getting incremental request to cut-up larger acreage and sandwich multiple fourplexes on minimal sized lots with poor layout arrangements having rear patios of these units stepping out into 7.5 ft. setbacks abutting single family homes. Parking and platting of these lots are also challenges.

We have had an influx of property that at one time was Zoned R-3 but developed as Single Family that is experience redevelopment. The intent was high density but the land was developed as single family homes. We are trying to bring everything into compliance with the current code.

Mrs. Hall, 1304 West Jefferson Ave. I haven't been here before to discuss the proposal. I have specific questions some of which I asked 2 weeks in a meeting and he said the planning process is evolving. Can you build a single family in the RM-2 District. Mr. Spriggs replied, yes. If you are reading the definitions from the green area what tells that in 3b. Mr. Spriggs explained that this is draft text. You are saying the specific use is for Multi-family. How is

that a parallel to our new zoning. How does it parallel to R-2?

In the permissible code, single family was permitted. What is the primary purpose of the R-2. Mrs. Hall stated that it is not stated in the RM-2. Mr. Spriggs added that the permissible use table is not included here but it will be added.

Mrs. Hall: All of the RM's have uses, and since RM-2 is not in the code. The density is more parallel to an RM-12 which you can have manufactured housing units in Rm-12/RM-16. You can residential design manufacturing housing, group residential. You can also have convenience stores, automatic teller machines; you can have a golf course. It doesn't seem like there is a parallel.

Mr. Spriggs: Are you saying there should be? I have agreed that in terms of the R-2 uses, we will carry those over into this new district RM-2. I have not outlined that chart for the Commission. But I assure you those will be paralleled. If they are not parallel then legally we may be "taking" property. This is a working draft in progress that will be continued to be tweaked. We had no intentions on voting or approving anything at this time.

Mrs. Hall: So you will end up with two RM-16's? Mr. Spriggs: No. I attempted to find the highest allowable density- RM16. Over the last 3 years we have not allowed for more than 16 units for any zoning. RM-16 was the closes available district that would mirror the R-3.

City Attorney, Mr. Crego, added we are addressing this in regards to changes such as enlarging the property. This helps us to avoid the taking problem also.

Bob Warner, 1003 West End Neighborhood Association with 150 family that lives in this community. Historically R-2's were allowed to become single family houses. Mr. Spriggs, yes we have many R-2 Districts that were developed as Single Family.

Mr. Warner: The question becomes not more about whether you parallel, but the question becomes if you live in a house since 1940 and it's been a single family home on an acre lot; and someone buys that house and bulldoze it- because it is R-2 soon to be RM-2, can they come back and put apartments on that property?

Mr. Spriggs replied yes. Mr. Spriggs added that we realized that is a potential problem. We have not derived an answer from staff nor the commission yet. Mr. Warner: Am I right or wrong that there is a R-1 Single Family District? You are correct. Mr. Warner: Our concern is that we would like to see thoughtful development if we are going to have multi-family four-plexes. If you live in a house that was traditionally been R-1 single family, although it was zoned R-2 even though it's been for a period of time. Why couldn't it be R-1 since you are doing your rezoning anyways? To me that would be a logical solution.

Mr. Warner: We don't want to see someone take a big lot and raze that property and put in multi-dwelling housing in an area we think that has quite a bit of that going on. It leads to higher crime; it leads to the undesirable activities that we do not want to see in our entire city. Mr. Warner stated that he is not a City planner and he does not have the right solution. We would like to

offer some solution before this is passed. Mr. Spriggs explained that this is a work-session and work in progress.

We don't want to see a set of ordinances passed that will open the door for development of apartments on properties historically developed as single family. I think what you are trying to do is positive, but there may be a loophole.

Mr. Spriggs reiterated that the properties that we are experiencing this trend. If the property owners would collectively petition their properties to be rezoned properly to what they are used (as single family), we could address this issue. We have a number examples such as this. It would seem to me that when you look at the fact that they are talking 60,000 people in the new census. Can they look back at the intention back in 1960's. What was once said a multi-family district may have worked well as a single family district.

John Keys, 1205 W. Oak. I am part of this group. You are changing some residential areas to where you can put in RM-16 family units in. The infrastructure will not support what we have now. The sewers back up when it rains and streets are flooded. There are no sidewalks. If you put a bunch of 16 family dwelling units in this area, the runoff will be a problem.

Mr. Halsey: We are not trying change it to that. It already is that Zoning. Mr. Spriggs added that in that district there is not a problem of high density, but there is lower density (R-2).

Mr. Hoelscher: Commented on the statements made where the property owner can petition for a rezoning. We may can consider a single user's request; will it be spot zoning. Mr. Spriggs stated that the 2030 Vision Plan will be evaluating Historic Preservation as an overlay district approach which will benefit the West End Historic group.

John Payne, 622 W Matthews, since 1969. Commented that people will build a fourplex or duplex and face it away from the street. Would be nice if they had to have a yard and not a big parking lot. That would be way to placate the West End issues.

Mr. Hoelscher asked when is the next meeting on this issue? Mr. Spriggs stated that he will take back the discussion items and bring them back next meeting. He reiterated owner initiated rezonings and pledged to support a combined effort and look for ways or incentives that the City could help with the fee structures to petition rezonings.

Mr. Phillip Crego the intent of what staff and the MAPC is not to create any new uses in your neighborhood. We have changed the terminology and we now have multiple residential uses. We are trying to bring the existing uses into the terminology of the current code.

Mr. Crego: Right now as the owner you control what your zoning is; if your zoning is R-2 if it develop as R-1 and you want to retain your use and ask that your property be rezoned. It could be considered as spot zoning if individuals petitioned alone, and each owner could be hit with costs and fees. If the city

initiates that rezoning itself or if a large group of property owners come in and wanted the City to imitate the rezoning; it avoids the spot zoning issue. If the city rezones your property now to a more restrictive use, that taking would have to be compensated for. It only works in economies of scale with a number of people petitioning together. For example, having 20 lots and 18 wanted to participate in a mass rezoning and 2 became non-conforming, then I feel that would follow this intent.

Mr. Joe Tomlinson gave an example in Medallion Acres.

Mr. Scurlock we need to expand it to protect the property owner; we need to set some check list on how many minimum of property owners

Leanna Kings, 1205 W. Oak. What you are talking about the R-1 won't work for the area we live in. I would like to say that if you will allow apartments as postage stamps. The lots need to be a lot bigger..

A motion was made to table the case until Mr. Spriggs develops another draft.

A motion was made by John White, seconded by Margaret Norris, that this matter be Tabled . The motion carried unanimously.

Aye: 5 - Margaret Norris; Joe Tomlinson; Paul Hoelscher; John White and Jim Scurlock

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Ron Kelton

8. Staff Comments

8. Administrative Matters:

Fence Height Modification; Location: Apartments located North of Ozark Drive in Griffin Park Subdivision on Southwest Drive (Hwy. 49 S.)

Justin Bennett & Shawn Tyler of BCC Construction request a change from an approved 5' perimeter fencing to a **12' privacy fence** at the corner of 49 and Ozark Dr due to unusual grade from street level to building units. Applicants request MAPC waiver of the pre-approved 5 ft. fencing from a previous site plan case.

Mr. Spriggs explained MAPC's approval of a 5 ft. fence with privacy and decorative wrought iron and landscaping.

Chris Hills stated on the front end they were thinking a lot nicer with the ornamental; but it gets lost in the landscape. In the last building the finish floor elevation, you are looking at a good divider. They want a good divider with a decorative 12 ft. Mr. Tomlinson stated that part of the intent was to keep the children from Southwest Drive.

Mr. Halsey spoke briefly with the applicant. They are committed to making the fence structurally sound and aesthetically pleasing. It doesn't work for everyone. They are concerned about privacy and noise.

Mr. White asked if there will be landscaping. I've seen a good combination of landscaping and berms that as it matures it beautifies. Safety is the principle

issue and sound as well.

Mr. White continued, depending the trees you select it creates a better environment. Motion was made to approve this request by Mr. White. Mr. Hoelscher expressed concern about the 12 ft. height which double the requirement. Mr. White noted that usually when fencing abutted state highways they require state approval. Whatever is proposed has to be coordinated and approved by all associated governmental or utility agencies. Mr. Tomlinson asked about the concern about notifications. Mr. Spriggs explained this was an administrative site plan approval stipulation. They will set the fence back and provide landscaping.

Chairman Halsey voted to pass the measure.

A motion was made by John White, seconded by Joe Tomlinson, that this matter be Read . The motion carried to approve the matter.

Aye: 5 - Margaret Norris; Joe Tomlinson; Jerry Halsey Jr.; John White and Jim Scurlock

Nay: 1 - Paul Hoelscher

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Ron Kelton

9. Adjournment