



City of Jonesboro

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

Meeting Minutes - Final Metropolitan Area Planning Commission

Monday, October 19, 2009

5:30 PM

900 West Monroe

Special Called Meeting

1. Call to order

2. Roll Call

Present 6 - Ken Collins; Margaret Norris; Joe Tomlinson; Marvin Day; Jerry Halsey Jr. and Ron Kelton

Absent 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

4.

AN ORDINANCE TO MODIFY ARTICLE 1, SECTION 101-1 OF THE JONESBORO CODE OF ORDINANCES AND ADOPT THE FUTURE LAND USE PLAN FOR THE CITY OF JONESBORO, ARKANSAS BY REFERENCE AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION FOR THE PURPOSE OF GUIDING THE GROWTH AND DEVELOPMENT OF THE CITY AS PART OF THE COMPREHENSIVE PLANNING PROCESS

4. Land Use Plan Amendment- Tabled Public Hearing To Make Recommendation to Council

Staff Presentation:

This is a recommendation to Council based on the Land Use Advisory Board's 2 year study of the land uses. Mr. Spriggs outlined the major challenges in the various sectors. The plan recognizes commercial nodes and mixed use type developments along our major arterials in the various areas. The LUAC focused on these categories that are labeled Planned Mixed Use and Commercial Nodes to provide for the mixture of uses which would take into account residential and commercial and how to intermix the two.

Some of the key focus areas were Industrial Park to the east where most of Heavy Industrial areas were maintained. The Planned Mixed Use category was also used along with commercial nodes to provide a transition and buffer down to the residential uses. There were also floodplain/floodway challenges, and those areas as you see have been categorized as greenspace and open space. The north of there we have the NEA Baptist Memorial planning area in which the committee has suggested the PMU area and commercial nodes which suggest a planned district. The Committee then moved to the North Jonesboro Area where challenges and opportunities for redevelopment exist. The committee has allowed for PMUA along Johnson Avenue. A lot of

industrial currently exists there and abuts single family. Along North Church allows for the PMUA also.

To the Northwest the committee considered the Sloan Farms planning study and allowed for the PMUA where this will be a future growth area. This suggests also a planned community and also provides for connectivity of our major and minor arterials. Western Jonesboro where HWY. 49 S is currently being improved as well as connections to I-67 where the PMUA category is utilized. Mr. Spriggs recognized the Land Use Committee members in the audience and on the Commission.

Mr. Kelton stated that he recalled the state statute is that the extra-territorial jurisdictional, state statute is 5 miles beyond our city limits for class one or half the distance to a city limit within 5-miles. Mr. Phillip Crego stated that is correct. Historically Jonesboro has never enforced our extra territorial jurisdiction in terms of zoning. We have never zoned outside our city limits area.

We have tried to take care of what's in the city limits; we should not limit our self in terms of the land use map as to what those areas should be if annexed. Mr. Tomlinson added that this will be one of the things it is acknowledge all throughout the land use plan that the city ordinances will have to be updated in certain areas to update the land use plan.

Mr. Spriggs stated that we are not recommending any land use updates in the Cities of Bay Brookland or Bono. Most of the data was pulled from sources where it was available. Those cities would have to adopt their own Land Use Maps.

Mr. Kelton referred to page 10 under study area it says that the City under ORD 66:2677 the City of Jonesboro has planning jurisdiction over a 5 mile-radius. We may have someone contesting that. Mr. Kelton stated that we should have compatibility with state statutes.

We are planning bigger now and the ordinances will determine where our limitations are: That will save us from having to go back and do a study of those areas, Mr. Tomlinson added.

Public Comments:

Mr. Larry McElroy, 1005 Commerce Drive. Stated that he and some of his neighbors are protesting the Land Use Plan, the way it is proposed. He has 77 names of families in the pending rezoning request area for single family zoning; between Highway 18 on the south and Pacific Dr. area to the north. He continued on stating that last year they fought to preserve that area for low density. He added that the City Council supported them and said it would remain low density mixed use. We learned later that it will be Planned Mixed Use Area (PMUA) with 10% commercial and 25 percent multi-family with the balance of single family and that opens up for more multi-family. A developer sitting on the Land Use Committee was instrumental in that new proposed zoning because he owned property in the area. This person may have also been backing Mr. Harmon when he had this same area zoned multi-family. The same person is trying to rezone 11 acres at Pacific and Kathleen with 4 single family houses per acre. In an area low-density where it's usually 1 house on

1½ acres. There is a major flooding issue on this property. I live 700 ft. away on Commerce Dr. and there has been water in my yard, back 200 ft. across those fields in the flood zone. That major ditch will flood from there to Pacific. We addressed this last year and if you build anything there it's going to flood. It don't flood in light rain but floods in 3 or 4-inch rains in an hour. The last thing that Jonesboro needs is a flood zone with houses in it. The streets in that area will not accommodate more traffic. Pacific Drive is narrow and 2 cars can barely pass each other. Pacific Drive has no traffic control on it. Kathleen is a major thoroughfare and heavily traveled by vehicles all day especially when the factory's let out. Commerce Dr. is traveled extensively to Pacific and Kathleen.

There is just little or no infrastructure to handle this development. I believe we do not have fire protection to handle this development in this area. Jonesboro has a habit of putting the cart before the horse. We need to development infrastructure first rather than build the project and install a few items one at a time. If we can address the major safety issues before rezonings are approved it would be better. I believe it should be reversed to low density housing. He owns property in the area and I am upset about it.

Mr. Halsey asked if the improvements were put in prior to the storm water and infrastructure do you have a problem with it then?

Mr. McElroy responded: I have a problem with it being Planned Mixed Use. I believe that is the feeling of the 77 people on the list. Commerce Drive is planned to be a major 5 lane thoroughfare which will come inches of almost every house. That issue of having a 5- lane will not alleviate the issues of Kathleen Street, if we open that to multifamily housing. We offered the developer 2 houses per acre. It is a dirty underhand trick to bring it back.

Mr. Tomlinson asked: Of the 77 signatures, have any had flooding? Mr. McElroy stated he cannot speak for them; the area to the east of Commerce had some of that land in there below the area owned by Bob Rees, who tried to rezone to duplex. If you're going to make it Planned Mixed Use, do so where there are least people and no flood issues. State Highway Department has nothing in their budget to do work on that spur. A lot of things will have to take place before that is done. When you build that high density housing, the water has nowhere to go. It will go to the same tributary. I object to it.

Mr. Tomlinson stated that he remembers that area, when he lived in a subdivision near that it is sparsely populated. Are most of these properties on Commerce Dr. and on the backside of Pacific Rd.

Mr. McElroy: They are on the corner of Kathleen and Pacific. There is a tree line behind my house that is about 300 ft north of the Commercial Node. Jay Harmon has the pond that I can see from the tree line to my house that it is under water.

Mr. Jack Grimes, 1003 North Commerce Dr., Stated that some know about the 1968 tornado that caused water in our houses. I live on the highest point. There was a day and half that we couldn't get out. We weren't in the City at that time. We didn't have water and the telephone poles were down. We got 8 inches of rain. That can happen in our area. Can you imagine all that concrete out there? It shouldn't be done.

Mr. Lesslie Warr, Lives on Commerce at Pacific Rd. Stated that he circulated the petition. The issue in the New Prospect Addition of sewers being backed up is a concern. The other issue is we have been to the MAPC and City Council, and we feel as though the infrastructure should be out here.

Mr. Warr asked about the development of Kathleen Street as a major street, if this hospital goes in there. Mr. Tomlinson stated that this is a money issue. Everyone wants me to convey that 1 or 2 houses per acres should be the limit. Commerce Drive is becoming the same as Kathleen St. during the shift changes.

Mr. Day redirected and stated that City council has the authority of whether to approve the plan. We are looking at a plan that is a grand vision for the long term. City Council will be the ultimate decision makers of what our community may look like, and how will the city support the infrastructure. We want to determine a controlled growth pattern. It is a chicken or egg thing because the City cannot develop ahead of time. Personally, I will be surprised to see that the city will do infrastructure before any permits. Sewer improvements should be directed to CWL.

Mr. Kelton even if we recommend adoption that does not change zoning; until a one on one petition is made, everything is subject to the City Council making a decision based on our recommendations. We are not rezoning the City; we are looking at a master plan. Some things may not happen for the next 50 years and other areas are revised every 5 years. Anyone living anywhere that will be affected has a right to voice their opinion. It is not in concrete.

Mr. Collins stated: You made several points and Mr. Day and Mr. Halsey addressed those. You stated that you are progressive, and you brought up the fact of backwards thinking. You have to start somewhere; it is a proposed plan. We have no idea how to build roads if we don't know where we are going.

Mr. Halsey commented that in the Planned Mixed Use category, 25 % is allowed multi-family; and in the big picture we need to understand that there are places for multi-family. I don't want anyone taking advantage of it.

Mr. Day added that the Land Use Committee spent the first year trying to find places for multi-family. Then we spent some time to set ground rules for appropriate places. It is part of the whole package. We spent a lot of time setting the rules to allow multi-family adjacent to parks; where there is adequate sewer; near state highways; and we never settle on just one. We have to figure out a way that it can be developed in some manner that makes sense. Planned Mixed Use Area (PMUA) may not be the perfect answer. But we spent lots of time on it.

Mr. Kelton: On these areas for the high density multi-family, we could look at longer distances for transition periods. For example, limitation to duplexes and slowly move out from the single family. If we have the ability to create multi-family, but control the density factor we may be doing them a favor. There are a lot of things to think about. To completely limit this to low density single family may not be doing them service.

Mr. Tomlinson: I am not involved in any conspiracy. I approached this plan

with an open mind. I know that there have been hours and hours of time spent by the Land Use Board they have been honest in evaluating what they have seen. When the perfect plan comes along, I won't be here. This is a starting point for a comprehensive plan; subject to change, and I am mildly disturbed that it be thought I would go into a conspiracy.

Mr. McElroy stated that nothing was directed to anyone on this panel, and I apologize.

Mr. Kelton added that our ordinances promote 10% for openspace and I would be mindful of that in approvals. Mr. Day stated that just because an area is Planned Mixed Use (PMUA) does not mean that the first 25% will be or should be multi-family as recommended by the Land Use Committee; we are saying no more than that. We want to still use some control; with the rationale to make sure you have good buffers and transition areas. We are not saying that if someone comes in with 5 acres that it should be those percentages. You need to have some sense about it. One day Joe Tomlinson and I may not be here.

Dr. Sanders stated that he lives in Southwest Jonesboro and he would like to see SW Jonesboro remain the way it is; but that is not what he is concerned about. As Land Use Committee members, they asked us to put our personal preferences aside and deal with it in a manner to deal with it in a way it could be regulated to some extent. Are you serving the individual property owner? This plan has lasted over 2 years. This is the best that we can do. There is not much to what I can do with it. I don't own all that land, they are all large lots. This wooded area has been judged conservatory property. This is what the committee decided. As long as you enforce the plan, and will not try to serve private land owners. It is not perfect but it's a plan and it can be changed.

Motion was made by Mr. Halsey recommending approval of the Land Use Plan to City Council with all recommended changes; 2nd by Mr. Collins.

Aye: 5 - Ken Collins; Margaret Norris; Joe Tomlinson; Jerry Halsey Jr. and Ron Kelton

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

5. Discussion Items

5. Sidewalk Ordinance Discussion

Sidewalk Discussion:

Mr. Spriggs stated that he has attached additional reading materials on the handicap issue and minimum standards. Hard copies were provided. Staff requests a continuation until a master sidewalk plan can be developed prior to setting policy. Motion to table by Mr. Kelton, 2nd by Mr. Halsey. All ayes.

5. Fencing - Pending Discussion.

Fence Ordinance Discussion:

Mr. Spriggs stated that this is a review of the existing ordinance and allow for permits to be required to coordinate issues of drainage and location. The

code reflects the following:

- (1) Maximum height. Fences shall not exceed six (6) feet in height, unless approved by the planning commission.
 - a. Privacy style fencing shall not be erected in the front yards, except in I-1 and I-2 Districts or where variances are granted by the Board of Zoning Adjustments based on hardship. (Modified)
 - b. Fences that are 50 percent open may be erected to a maximum height of 4 feet in the front yard. See Figure 12-9. (added Section)
 - c. Fencing in the I-1 and I-2 districts, areas abutting interstate highways, and around tennis courts and other recreational amenities, shall be exempt from the height limit.
- (2) Corner visibility. Fences shall comply with the corner visibility standards of section 117-327.
- (3) Construction materials. Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts, (insert) lots abutting interstate highways or in situations where the owner of the lot adjacent to the fence agrees to give written permission of a plan for placing support posts on the outside of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.

Mr. Halsey asked if there is a minimum square footage requirement. He expressed concern for individuals having large lots and wanting to place the home far off the road with fencing in the front. Normally a bill of assurance takes care of this in a subdivision. The minimum 2-acre provision deals with barbed wire requirements. Mr. Halsey recommended allowance for 8 ft. for larger lots. Mr. Kelton inquired about the conditional process or planning commission approval.

The consensus was obtained to set a 5-acre threshold for fencing that will require MAPC approval for privacy style fencing in the front yard exceeding 8 ft. in height.

Mr. Kelton stated that he would be concerned about the neighbors not having more than one acre of property on either side. It has to be a case by case review. Mr. Spriggs asked if MAPC wanted to review those or send them to the Board of Zoning Adjustments. In the event of 5-acres or more privacy fencing in the front yard will require MAPC approval. Mr. Kelton asked about fees for the permit. Mr. Spriggs stated that the City is working on revenue enhancements and they will most likely be implemented in 2010.

Staff has removed the previous language with prohibited fencing in easements. Now they will be allowed in compliance with Item C, regarding the storm water drainage ordinance. Photographs were shown where the fence impeded the water flow.

Mr. Day asked if the City or CWL has a policy for fences on easements. Who replaces the fences? Ms. Norris stated CWL will replace them. Mr. Light stated that the City would prefer not to replace them but we do. Mr. Spriggs stated also that the diagrams were removed which were confusing.

Other changes were as follows: (5) Prohibited.

- a. Barbed wire and electrified fences shall be prohibited on all lots of less than two acres in area.
- b. Fencing shall be prohibited within any street right-of-way. Exact location of fencing shall be the sole responsibility of the property owner.
(Section Added)
- c. Fencing shall not obstruct the passage or storage of floodwater, surface runoff, or stormwater along lot lines as regulated in Section 112-129, of Chapter 112, Stormwater Management of the Jonesboro Code of Ordinances.
(Section Added)

Mr. Kelton asked where the 8-ft. provision came from. Mr. Spriggs stated that the 8 ft. in a typical situation is unattractive. Mr. Spriggs stated that the 6 ft. could be the maximum height in residential, and 8 ft. allowed in commercial district. The MAPC agreed to reduce this to 6 ft. maximum. Motion was made by Halsey to recommend approval to City Council; 2nd by Ms. Norris. All ayes.

Aye: 5 - Ken Collins; Margaret Norris; Joe Tomlinson; Jerry Halsey Jr. and Ron Kelton

Absent: 3 - Lonnie Roberts Jr.; Brian Dover and Paul Hoelscher

9. Adjournment