



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, March 8, 2016

2:30 PM

Municipal Center

Special Called Meeting

1. CALL TO ORDER BY MAYOR PERRIN AT 2:30 P.M.

2. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 8 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Gene Vance; Rennell Woods; Charles Coleman and Todd Burton

Absent 3 - Chris Moore; Mitch Johnson and Chris Gibson

3. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

[ORD-16:011](#)

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-8 LOCATED ON AGGIE ROAD AS REQUESTED BY DEAN TYRER

Attachments: [Plat](#)
[MAPC Report](#)

City Attorney Carol Duncan noted that at the last City Council meeting when the ordinance was on second reading there was a question raised concerning whether the rezoning should be looked at under the specifications of the old Land Use Plan from 2012, which was in effect at the time of the original rezoning request, or the new Land Use Plan, which came into effect since the denial of the rezoning request. She explained while there's not much difference, she thinks the rezoning should be looked at under the specifications of the 2012 Land Use Plan. She added that City Planner Otis Spriggs has already indicated the rezoning complied with the 2012 Land Use Plan.

Attorney Jim Lyons, representing the applicant, discussed the rezoning. He explained one of the factors to consider is the consistency of the proposal with the comprehensive plan. He stated they believe, as does the City Planner's Office, that the proposal is consistent with the comprehensive plan. A zoning of RS-8 will still have single family homes, just with smaller lot sizes and of medium or less density. The second factor is the consistency of the proposal with the purpose of the zoning ordinance. They believe the proposal is also consistent with the purpose of the zoning ordinance because it will provide for orderly growth in the area and when considering the neighboring mobile home park and industrial areas, this zoning will provide for a transitional area that will help protect the R-1 homeowners in the Sloan area from being forced to look upon the mobile home park. Instead of seeing the

mobile home park, they will see single family homes. The third factor compatibility of the proposal with zoning areas and character of the surrounding area. He stated they think the RS-8 zoning is compatible with the area and is consistent with the surrounding properties. Mr. Lyons added they do not think the property could be realistically zoned R-1 all the way to the railroad tracks to the south, which is why they are requesting the RS-8 zoning. He further explained it has already been identified that there is a need in Jonesboro for starter homes, which this proposal will include. The fourth factor is the extent to which the approval of the proposed zoning will detrimentally affect the neighboring properties. They do not believe property values will be negatively affecting since the homes they are planning to build there are similar to those built by David Onstead in Sage Meadows. He showed the Council examples of home in Sage Meadows and noted they are looking to build similar homes in the proposed area and will sell the homes in a price range appropriate to the area. The home will also be controlled by a bill of assurance to maintain the integrity of the neighborhood for the future. He further discussed the look and specification of the homes (see information attached to ordinance in Legistar). They think the proposed homes will increase the value of the other homes in the area.

Mr. Lyons referred to earlier questions about traffic. He explained if the property is developed under the R-1 standards, as it is currently zoned, then there will be more square footage built, increasing the amount of traffic in the area versus if it was built under the RS-8 standards. The R-1 zoning allows for a higher population in the area than the RS-8 zoning. Therefore, it's their position that the amount of traffic will be less under RS-8. There will also be more green space under RS-8 than R-1, which benefits the environment as well as drainage in the area. There will also be less noise and less light pollution. Under the R-1 zoning, there would be approximately 27,000 more gallons of water runoff than under RS-8, thus R-1 would create a bigger burden on the city's drainage system.

The next factor is the length of time the subject property has remained vacant. Mr. Lyons explained the property was annexed into the city in the 1988/1989 annexation and was zoned R-1 and has remained zoned R-1 since. It has not been developed since its annexation. Dr. Tyrer has owned the property since 2002 and has been unable to develop the property since purchasing it under the R-1 zoning. The length of time the property has remained vacant shows that it is proper to rezone the property to RS-8. The last factor questions the impact of the proposal on community facilities. He noted new utilities will be run in the subdivision, causing no impact on the utilities. Streets will be developed as required by the city and the connectivity will be adequate for emergency services. He noted there were some questions raised concerning parking on the street. If the property is rezoned, the City Council could add a stipulation that parking on the street would not be allowed in this area. He stated that would be a reasonable request.

Mr. Lyons explained that the proposal is consistent with all of the factors and should be rezoned to RS-8.

Councilman Woods referred to Mr. Lyons' comments about the traffic flow. Mr. Lyons stated that their calculations show that there would be an average of 42.5 more people living in the subdivision if it is developed as R-1, resulting in 161.07 more trips per day than if the property is zoned RS-8. Councilman Street noted that the numbers Mr. Lyons used in his calculations are just general number as opposed to being site specific. Mr. Lyons agreed, adding there have been no traffic studies that have been done since the development is not in place.

Councilman Street questioned whether they have looked at which development would sell out faster, the RS-8 zoned development or the R-1 development. Mr.

Lyons answered they anticipate the RS-8 development might sell out faster, but any period of time would be speculation since they cannot say for sure how long it will take to sell a home.

Councilman Street asked about the surrounding properties. He referred to Mr. Lyons' comments that the property is surrounded on the north by R-3 zoning, yet the map Mr. Lyons provided shows R-1 zoning to the north. It was explained the R-3 zoning is not contiguous to the subject property; rather, the R-3 zoned property is north and left of the proposed rezoning.

Councilman Burton noted that he lives in the area of the proposed rezoning. He clarified that more, smaller homes under RS-8 zoning is better for his property than larger, fewer homes under R-1. Mr. Lyons explained when comparing a 1,200 square foot home to a 1,800 square foot home is the amount of people and traffic increased by the larger homes. They simply wanted to show the amount of traffic will be substantially less under RS-8 than R-1.

Councilman Burton then questioned what the difficulty is in developing the property as R-1 due to the railroad tracks. Mr. Lyons stated that is because most people do not want to pay the price for an R-1 zoned house, which are typically larger and more expensive, and live next to a railroad track. Councilman Burton noted that he has seen what appears to be some R-1 zoned homes being developed in that area next to the railroad track.

Councilman Burton asked who owns the mobile home park. Mr. Lyons answered Doug Foyt.

Councilman Dover clarified the statistics are based on single family residences. Mr. Lyons answered yes. Councilman Dover then asked what would happen if numerous college students shared the homes due to their proximity to ASU. Mr. Lyons stated he doesn't think that would meet the qualifications of single family according to the city. Mr. Spriggs explained in any single family subdivision a home could be used as rental property, so, yes, one rental home could have numerous college students residing in it. Councilman Frierson noted that type of residency could be prohibited in a bill of assurance. Councilman Dover noted that is up to the choice of the developer, not the city. Mr. Lyons stated they can agree this property is to be used as single family homes and would be willing to put that into a bill of assurance.

Councilman Street expressed concern about the rate in increased traffic in that area. He explained there's already a traffic problem out there, which is why the city is trying out the roundabout in the area. But, R-1 homes tend to sell slower, giving the city more time to ease into the increase of traffic. Mr. Spriggs stated an absorption rate study like Councilman Street is referring would be extensive. They have looked at the number of R-1 homes that could be developed and their basic layout, without consideration to drainage, reflected 120 homes that could be built. He added their provided average of 137 could be true. Anything between 120 and 137 would be a safe number. As for the traffic numbers that were provided, Mr. Spriggs stated the number for R-1 and RS-8 are comparable because the RS-8 homes have smaller footprints.

Councilwoman Williams then referred to the neighboring mobile home park. She stated if the trailer park closed, then the property would be zoned R-1 so another trailer park could not be put in there. Mr. Spriggs explained the property is considered R-1, so if the current owner was to discontinue his use it would have to lapse for a period of one year before it expires. Mr. Spriggs also noted that they have also found out that in 2001 Dr. Tyrer tried to rezone the property to R-3, but it was denied. The

case was taken to court and the judge ruled in favor of the city, so it remained R-1.

Councilman Dover asked if it would be a true statement to say that if the property stayed R-1, then it would be totally consistent with the Land Use Plan rather than the partially consistent under RS-8. Mr. Spriggs stated that is correct. City Attorney Duncan noted that the proposal is only partially consistent under the new Land Use Plan, but is completely consistent under the old Land Use Plan, which is what the City Council should be looking at as she stated earlier.

Councilman Dover referred to the R-2 property to the west and asked if that development was built under R-1 specifications or R-2. Mr. Spriggs stated the homes were built to the R-1 standard, but are zoned R-2. Councilman Dover then stated a correct statement would be that all the surrounding properties are either zoned as R-1 or built as R-1. Mr. Spriggs agreed. Councilman Vance explained the lots are to R-1 standards, but the house size themselves are not what you would typically find in R-1. Councilman Dover questioned whether there is a required house size with R-1. Mr. Spriggs answered no, unless there are stipulations in a limited use overlay or planned district. The house size would be stipulated in a bill of assurance, not regulated by the city.

Councilman Burton clarified that the mobile home park was in existence when Dr. Tyrer purchased the property in 2001. Mr. Spriggs answered yes, adding that Dr. Tyrer also at one time owned the mobile home park. The mobile home park and the subject property of this rezoning is what Dr. Tyrer tried to rezone to R-3 in 2001, which was denied by the MAPC and the City Council.

Councilman Dover stated that there may be other reasons as to why the property has remained vacant other than its undesirable. Mr. Spriggs agreed, explaining that he doesn't know if Dr. Tyrer has had other offers. That would be something Dr. Tyrer would have to answer. He stated there could be various reasons as to why the property hasn't been developed.

Councilwoman Williams noted the proposal of starter homes isn't required, so the homes could become something else in the future. Mr. Spriggs explained a bill of assurance could protect style, character, size and composition of the family, so if the homes were to be marketed as single family only then that could be controlled by a bill of assurance. He noted that is not controlled by the city.

A motion was made by Councilman Charles Frierson, seconded by Councilman Gene Vance, that this matter be Passed . The motion FAILED with the following vote.

Aye: 3 - Charles Frierson; Gene Vance and Rennell Woods

Nay: 5 - Darrel Dover; Ann Williams; John Street; Charles Coleman and Todd Burton

Absent: 3 - Chris Moore; Mitch Johnson and Chris Gibson

4. ADJOURNMENT

A motion was made by Councilman Gene Vance, seconded by Councilman Darrel Dover, that this meeting be Adjourned. The motion PASSED with the following vote.

Aye: 8 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Gene Vance; Rennell Woods; Charles Coleman and Todd Burton

Absent: 3 - Chris Moore; Mitch Johnson and Chris Gibson

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk