



MAPC RECORD OF PROCEEDINGS: Public Hearing held on November 9, 2010:

**Applicant: J Max Van Hoose**, Vice President of Store Planning in Springdale, Arkansas, presented the Rezoning Case on behalf of Harps Food Stores.

The first slides show what the facility will look like with the indication of the site layout shown on this aerial view from the north looking south. The store will face towards Harrisburg Rd. Here is a larger aerial view, and a 3-D image of the layout showing Highland Drive, the retaining wall on south side. We will restrict the southwest region of the site, which is to remain undeveloped green area. We indicated in a previous meeting that we would have a neighborhood meeting on the 13<sup>th</sup> of October; some residents didn't get the letter delivered until the 15<sup>th</sup> and we had 3 attendees; we also held another town hall meeting on the 1<sup>st</sup> of November. We sent 1,190 notices to the residents within a 1 ½ miles radius of the site and we made some changes along Crowley's Ridge Parkway.

In response, our landscape architect made some changes by adding approximately 70 trees; such as red oaks, beeches and others. We agree to curb and gutter the east side of Harrisburg Rd. and dedicate necessary right of way, with a side walk along Harrisburg to Highland. This along with a combination of trees and shrubbery, with a tree line that will run the east line and partially along the north side and with some beeches and cypress trees being planted around the detention pond. We have committed to coordinate a hedge line along the north side of the adjoining neighbors to the south along their properties with red buds to break up the 13-ft. high retaining wall at its highest point.

The applicant also showed photo examples of cypress trees between the south neighboring properties, and showed the grading plan. He pointed out that a traffic study was done at the intersection of Harrisburg and at peak hours it is at a failing condition. In one option, he pointed out Harrisburg Rd. where currently there are 2 lanes and noted that they didn't show any dedicated right way to account for some intersection improvements; however, in the second option it shows 2 left turn lanes. An additional lane is to be added on the right; the dash line indicates the existing. And the solid lines show the curb and gutter for additional capacity. The other option which takes out the parking and moves it to the side of the store was done as a reference. We showed it as a courtesy and sent it to the State highway department. Conceptually we don't want to build a store unless this can happen.

**Chairman Halsey** asked for all proponents to stand- 20 individuals stood up for; 8 individuals stood against.

**Attorney Skip Mooney, Sr.** appeared before the Commission and stated that he represents the adjoining land owners to the south of the property. Stated that he has been involved over several years in connection with opposition to rezonings in this area. He noted that he is

speaking for his clients- Charles and Rhonda Smith and Marystel Appleton. His clients live in the houses south of this property. The Smiths are physically impaired and could not attend. The Smiths and the Appletons met with Harps through their agents have made several concessions, and they want to be sure that those concessions if approved are noted and are part of the arrangement of any rezoning. This was originally the Teasdale property with gorgeous trees. Johnny White's parents bought the property and has been part of the Arkansas Crowley Ridge Byway since 1981.

John White and his wife sold it to Mr. and Mrs. Rusher, where Pam Rusher lived there and became ingrained with the neighbors. Harps have told my clients that they intend to put a grocery store similar to the Wal-Mart and Kroger's and they will run their store regular hours. Many run 24 hours but they don't intend to but from 6am - 11 pm.

After this property was sold then the Whites moved off. At approximately 2 years ago the home was torn down and the trees were cut and then we have a piece of property without trees and it doesn't look so residential. The Rushers have marketed the property unsuccessfully until the Harp's showed interest. It will leave my clients, which are 33 feet from the line which will leave their home setting on a high hill; they will build a retaining wall.

**Mr. Mooney, Sr.:** My concern is whether it will be sufficient and not fall on them. They have been told that Harps will build a privacy fence and plantings that run next to the wall. The Planned District, PD-C which is a little different concerns me that if my client will be better served with a Commercial C-3 or C-5. I asked if we can change the zoning to a C-3 or a C-5 naming the store as the only use for the property. Nothing is set in stone and at some point we will have a hearing on the plans. They have promised that it will be a green area to be used only for buffering; it is important to my clients. We want it be used as a buffer only. The closing of Wofford street is a concern as well, as we have spoke on the dangerous intersection. They would not want Harrisburg Road to be used for truck entrance or exit. We ask for consideration. If Harps will do what they said, my client will not object to a zoning change, and that any use that will blend in with the residential area like office buildings or law or medical offices would be preferred, but apparently that has not become available to the Rushers. Consider making this a commercial with a limited use that will be limited to this particular business.

**Mrs. Appleton, 2103 Harrisburg Rd.,** stated that Mr. Mooney and everyone has said everything. She added that there is 200 ft. to the west, and she has 380 ft. on her northern line. This has been a sore subject. I have fought to keep apartments from going there. Nothing would be worse than to have a ghetto next to me. Harps seem to be taking an interest in what we thought. They have created something that we can live with. She expressed concerns for the trees in her area along Crowley's Ridge. We wish nothing would go in there. I would rather see grocery trucks than to see 60 apartments that would be looking into the homes. Drugs and crime result and that is close to the high school; it would be a wrong thing.

**Ms. Marcia Patton, 2111 Harrisburg Rd.,** she has lived there 56 yrs. Traffic will be exiting on Harrisburg and Highland Drive and making a left going south. In talking to the highway department there will be a light at the church. You will have all the traffic on Harrisburg Rd., water issues and big trucks exiting will be an issue. It took us 30 minutes to come out of our driveway on to Harrisburg today. We have 20 lanes of streets, we need to fix the intersection it will be the States Highway Dept.'s job to do that.

**Steve Skillern, 2116 Harrisburg Rd.,** stated that he has lived across from Marcia Patton since 1985. The City came through and cut the oak trees down, and there is nothing we can do about that. I currently shop at Harps and I like them and the plan they couldn't have pick a worse location. There are a lot of ambulances that come down Harrisburg Road. Traffic is usually backed beyond our drive way. The problem is not Harps. I can't see it going there with an "F" condition at the intersection. Wofford St. has to be closed whether they come in or not.

**Staff: Mr. Spriggs presented the findings of the staff report.** He explained the purpose of the Planned District process (formally known as the PUD). The PD-C in this case allows the MAPC and Council to imposed unlimited conditions, allows for negotiation with the applicant, requires 20%+ in dedicated greenspace/openspace with a specific preliminary plan that will be considered by City Council and adopted by ordinance if approved. Additional review is required in the Final Development Plan process. The other methods suggested such as C-3/C-5 zoning will not allow that degree of conditions and restrictions and site amenities. Moreover, the C-5 (CR-1) zoning will not allow for this type of development which is not permitted.

Noting the potential for development under the current R-2 Residential could result in 60-70 units depending on the net/gross density calculation of infrastructure and lot restraints. Mr. Spriggs also noted that Planning and Engineering Staff held a conference call with the applicant and the Traffic Engineering consultant- Peters Engineering and discussed the results of the Traffic Study. Staff had major concerns with the tow drives proposed on Highland which would be in conflict with the traffic exiting from the Church Street intersection. Regard for the impact on Church Street and Southwest Drive was omitted from the report.

**Comments from the MPO Director, Muhammad Amin Ulkarim were forwarded to the Commission:**

The traffic count on Highland Drive just east of Church Street, the proposed location of Harps, is 24,000 vpd per AHTD 2009 counts, meaning the street could easily accommodate additional 4,300 trips proposed to be generated by Harps store. However, the information is misleading because the stretch of Highland Drive between Southwest Drive and Harrisburg Road is not a typical principal arterial. This 900 feet stretch has four driveways, one street intersection, and a parking lot for Caffe Buono with non-descriptive driveways (see attachment). The road intersection at Church Street and all driveways have unprotected left-turns allowed.

Unprotected left-turns cause most delays and accidents. Adding two more driveways in this 900 ft. strip would compound already existing traffic problems on this section of the road.

To illustrate the complexity of problems created by additional driveways, refer to Figure 8 (see attachment). Drive 3 is shown generating seven trips in AM peak that would take left turn on Highland Drive. These seven trips will conflict with 10 trips turning left from east, 840 trips going towards west, and 870 trips proceeding towards east. All of these conflicts are potential accidents. The seven trips turning east on Highland Drive from Drive 3 would slowdown the speed of 870 trips, and create possibilities of rear-end collisions.

Mr. Amin also noted that the report ignores the review of the Southwest Drive and Highland Drive intersection. Currently the queue for traffic planning to turn east from Southwest Drive (Main) to Highland Drive usually goes past the dry cleaner's shop. During the PM peak, when many people leaving work go to grocery store before heading home, this queue could reach College Avenue.

The proposed development of Harps Food Store is a good opportunity for the City to have a comprehensive look at Highland Drive and initiate Access Management (AM) for this and other lots between Southwest Drive and Stadium Boulevard.

**Mr. Spriggs** asked Mr. Van Hoose to explain what commitments Harps is willing to make towards traffic improvements.

**J Max Van Hoose:** On Harrisburg on the west side of Harrisburg we have committed to installing curb and gutter with the traffic recommendation, and we will participate in additional improvements of up to \$30,000.00 for the intersection.

**Mr. Kelton** asked for clarification on the east side of Harrisburg and the wall height on the south side. What is the depth of the green space between Mr. Smith. **J Max Van Hoose** noted that it adjoins the Smith's with distance from 15 to 45 ft. The Smiths have a privacy fence which is on the property line. The midpoint height of the wall is 8 ft. tall and tapers down to nothing. It maxes out at 13 ft. and continues around the property to the rear. The property is sloped to the curb and at the base to the curb varies and is 2 to 3 ft. in elevation change. We cannot change the entrance elevation. We are elevation 326' on Harrisburg Rd., the store finish floor is at 319 ½ ft., and driveway number 1 is at elevation 313' which is six (6) ft. difference of the store. In terms of rain water this property drains northwest, we will result less water than its current condition leaving the site. The enforceability of the green space condition was discussed. **Mr. J Max Van Hoose** stated that it can be deeded permanently to an adjoining neighbor or dedicated to the City as a green way. The Smiths and the Appletons asked the same question; we would restrict it. I indicated that there are options to deed it to someone, but they were not interested. We can put together a legal description and put a legal restriction and say that it is not be used for anything else, and it can be on record. Taxes and maintenance were also discussed. You have to leave access to it. We have no access as a park.

**Mr. Johnny White** noted that since we're going through the process of preliminary approval, and Harps is asking for the rezoning and will come through with the conditions as it goes to City Council with the details. **Mr. J Max Van Hoose** stated that they won't close on the property until they know they can build a store there. **Mr. Johnny White** asked the applicant to show us the method and documentation to be used.

**Robin Nix:** stated that he has represented Mrs. Rusher and that he agrees with what everyone says in their comments. He has been on Council and has seen a lot of corporate clients come into Jonesboro , but he has never worked with a more professional group and more genuine group that worked with the neighbors.

**Mr. Joe Tomlinson** noted that we will get the site plan details back as a final development plan review. Motion was made by Mr. Tomlinson to recommend to the City Council with all the conditions that have been made by the city staff that it be rezoned to Planned District, PD-C. for a Neighborhood Store use only.

1. The owner/applicant agrees to contribute in lieu of construction towards the widening of Harrisburg Road at the northbound approach to Highland Drive to accommodate the addition of an approximate 200-foot plus taper northbound left-turn lane coincident with the site development.
2. It is recommended that the existing traffic signal at Highland Drive and Harrisburg Road be modified to allow for the recommended additional northbound left-turn lane.
3. The new access drive intersections along Harrisburg Road and Highland Drive must conform to AHTD and City of Jonesboro design standards and will require approval by AHTD and the City. Access drive "3" (closes to the west) shall be modified to alleviated potential conflicts with exiting traffic leaving Church street on to Highland Drive.
4. Modifications to the intersection of Harrisburg Road and Highland Drive must conform to AHTD and City of Jonesboro design standards and will require approval by AHTD and the City.
5. The owner/applicant shall maintain the undeveloped area south of the proposed structure as unimproved greenspace to provide for a permanent buffer to abutting properties used as single family residential.
6. A final development plan shall be required to be reviewed and approved the MAPC and shall include final details on drainage, grading, access management, signage, lighting photometrics, landscaping and all site improvements approved by this petition.

**J Max Van Hoose:** The site is designed so that the truck traffic enters off Highland on to Harrisburg, then queue and back into the dock area. There would be a right turn only exit. As indicated in the neighborhood meeting we have either control over the truck traffic or great influence through communication through the warehouse and the drivers. This will keep it off Harrisburg and keep it safe for the customer and pedestrian.

**Mr. Spriggs** asked for an explanation on the Building façade treatment in respect to what was mentioned in the conceptual meetings? Mr. Van Hoose replied that it is their intent to keep in the same character of the Conway and Northwest Arkansas stores.

**Mr. White** asked Joe Tomlinson if he would add to his motion based on Craig Light's recommendations on item 4 that the City and State of Arkansas Highway Dept. be involved with the redesign of Harrisburg Rd., and also that the Jonesboro Transportation Advisory Management Board should take a look at that as well. As we go forward the drawings and the plats can be conceptually approved tonight.

**Pam Alexander** stated that she was going to save my remarks for later and agreed. She has real concerns about the traffic; and advised the MAPC to look at the MPO director's points. Regarding the green space, our adopted land use plan that we make reference to corridors of natural space promote sustainable diverse plant and animal life. Two (2) acres is just a thimble; it doesn't mean much to our system. Our Urban Forestry Council is in the process of appointed new members right now, so I couldn't get an official recommendation from them; but they are in agreement that it will enhance the value of that 2 acres if that acreage was planted with trees. Our city has only 14 % in tree canopy and it is recommended that we have 40%. Otis has a list of recommended tree species that the Urban Forestry Council came up with three or four years ago that we recommend for landscaping in the city. That includes *Tula Popular* that is native to Crowley's Ridge and we do not see much of them. There is also a "Beech" that is native to Crowley's Ridge and others. We will be happy to work with to get a diverse population of trees.

Motion was 2<sup>nd</sup> by Mr. White.

**Action: 7 – 0 Vote Approval:** Mr. Hoelscher- Aye; Mr. Dover-Aye; Mr. White – Aye; Mr. Kelton- Aye; Ms. Norris-Aye; Mr. Tomlinson- Aye; Mr. Scurlock- Aye; Halsey- Chairman; and Mr. Roberts- Absent.