

CITY OF WILLARD
PLANNING & ZONING
FEBRUARY 27TH, 2007
7:00 P.M.

Members present: Mayor Thomas J. Keltner; Chairmen Dale Duvall; Vice Chairmen Jeff Bowers; Executive Secretary, Lucille Murray; Charles Whitehead; Charles Gugel; and Bradley Dalton.

Also in attendance: City Administrator, Fred Gress; City Clerk, Kathy Blakemore; Municipal Court Clerk, Linda Murray; Director of Development, Randy Brown; Director of Public Works, Charlie Jones; Planning & Zoning Executive Secretary, Lucille Murray; and City Attorney, Ken Reynolds.

Guest present: Buddy Henley, Ira Henley Jr., Steve Peterson, Cindy Peterson, Esther Peterson, Doug Rayl, Richard & Beckie Hime, Martin Gugel, Andrew Lokie, Frank & Vickie Blakemore, Maucha Randles, Tammy Burch, Stacy Albright, Rosalina Albright, and Deana Goforth.

City Attorney Ken Reynolds OPENED THE PUBLIC HEARING TO CONSIDER THE REQUEST FOR ZONING CHANGE (REZONING) FOR JOSEPH M. HESTAND, 818 S. MILLER ROAD, TO REZONE FROM R-1 TO R-2 CLASSIFICATION.

Ken asked if anyone wished to speak in favor or opposition.

Diana Goforth: My names Diana Goforth and I live at 800 Daniel, which is just west, east of where this is going to take place. What are the plans? Are we talking apartments, duplexes?

Mayor Thomas J. Keltner: It would be R-2, duplexes.

Diana Goforth: It would be duplexes. How many are we talking about?

Mayor Thomas J. Keltner: Fred?

Diana Goforth: Are we talking about like the Excalibur area?

Fred Gress, City Administrator: Well they can't dwell with more than five dwelling units per acre.

Diana Goforth: And how many acres?

Fred Gress City Administrator: You're talking about 1.97 acres if I remember right, just under two acres.

Diana Goforth: So you're talking ten (10)?

Fred Gress City Administrator: Well if they can meet the design standards. But I mean they have to put in a road. They have to put in water and sewer which requires easements. Those are the things they have to have on the plan. Then they have to have certain minimum lot sizes. I'm just shooting from the hip here, but I don't think there is anyway that they can approach ten (10). I think it's probably going to be down closer to five (5) or maybe even less. You've got to see a site plan for something like that.

Diana Goforth: Right.

City Attorney Ken Reynolds: Any additional comments or questions?

Esther Peterson: I'm Mrs. Peterson and I live directly across from this. I'm a widow and I moved up here from Bellavista Arkansas. Moved into that particular area into that old house and I've put approximately \$100,000 dollars more into that house since I've been fixing it up. I don't think its going to help my property one little bit by putting a bunch of apartments across from me or anybody else in that particular neighborhood. It's a lovely community and that's why I moved there and if I would of wanted a bunch of apartments I would or moved where there would be a bunch of apartments. But at my age I don't want to deal with a bunch of strangers coming and going like lickety split. Especially because the road there is so narrow to start with, and having to deal with that and having to be nervous and worried about who may just walk up and knock on my door. We do have and the ward knows this for sure. There's three pedophilias in are area right there. One's up on I think the 600 block of Miller Road. The other two are somewhere I'm not sure it's back in the back because I'm not familiar with the road over there. It was ten (10). I don't think we need to invite anymore of these kind of people into the apartment areas that there wanting to build in this area. And so I have a real strong feeling about this is that I do know that if apartments go up there, I've already talked to a lot of people but that whole area is just going to shoot right straight downhill. I mean I'll be one of the first one's out of there and my place will be turned over to somebody that can just do almost anything with that large area that I particular have. And then of course the neighborhood behind me, or not behind me but in front of me back on that side, they will be looking at garbage cans. A lot of garbage cans. There is a lot of kids in this area. And I don't think it's a place to put apartments or duplexes with all of those wonderful small homes where all those wonderful people live right now. And then just stack it up with a bunch of little duplexes there to ruin that particular area. And that's how I feel about it.

City Attorney Ken Reynolds: Any additional comments or questions?

Martin Gugel: My name is Martin Gugel and I'm with Global Link Land Surveying. We represent the owner and hopefully I can answer some questions that anyone here this evening would have in regards to this rezone request. I can say that on the preliminary engineering work done on this particular site as was already stated earlier this evening would not allow them to be able to build this the density that an R-2 would normally

allow. The owner, the developer has expressed to us that his interest is to put in duplexes that are going to be similar in style and nature to the single family residents that are surrounding it. He is very sensitive to the neighboring land uses. And with the exception obviously there would be two units per, two dwelling units per structure instead of a single. The best engineering analysis that was done on this shows that because of the shape and the size of the property in question the most duplex lots that we could reasonably get out of it would be in the nature of five (5). That would also allow because of that there is going to be some of course the land use for roads and utility easements and the storm water facilities. It's also going to mean there is going to be some extra green space or buffer areas that do to the nature that the layout would have to be that would allow for, we are also aware of drainage areas that exist already and the idea would be once we get to the site plan and present that before the city the developer would be doing his part to try to help alleviate those with the use of additional drainage easements. Using low impact type of storm water methods that would act not only as buffers for the neighboring properties but it would also keep the area attractive. As attractive as possible and still be able to get the land use out of it that the developer would wish to have. Also when it comes time for the site plan if this rezone does go through the developer would be doing some additional right of way for the additional improvements to Miller Road in front of the property. But again it's R-2 zoning there will be no apartments, it would be duplexes and the style and nature of the single family homes that are surrounding it again which is the except with two units per structure.

Tammy Birch: Can I ask you a question?

Martin Gugel: Sure.

Tammy Birch: Are you talking about a privacy fence on the east side of that separating the neighborhood for the duplexes?

Martin Gugel: The developer willing to do any kind of screening you know, there again they're sensitive to the fact that what the surrounding land uses, surrounding single family. They have talked about shrubs or taller trees. There is going to be plenty of, because of the easements and the drainage areas there's going to be plenty of room to allow for buffer around this property, to try and screen best as possible.

City Attorney Ken Reynolds: Any additional comments or questions?

Ira Henley: I'm Ira Henley and I own the property just east of this proposed idea here. And I checked in on it with the people in the know and they said that my property would automatically drop \$20,000 to \$25,000 in value if this goes in as apartments. And that means a lot to me.

City Attorney Ken Reynolds: Any additional comments or questions?

Andy Lockie: Hi, I'm Andy Lockie. And I represented the Cedar Ridge Homeowners which is the property that directly borders to it. And I think it is important to realize that

there is a lot of houses there that have invested into that and we have large documents that are our housing covenants and conditions that we've all agreed and dedicated ourselves to maintaining a certain standard and a certain quality of living in that development there. Certainly this is going to impact us and you're here in the capacity to represent us and I hope that our interests are well met there. I know that builders can have certain goals and aims but we all know that what you're goals and aims are, is one thing, and what ends up happen especially across time is different. And we have dedicated ourselves to a nice community and we've certainly made that investment into the Willard community and maintained this kind of level of a housing area. I know from living there, there has already been quite a bit of drainage problems in that area I'm sure we can address some of that with engineering but there is, I know I've seen houses with running water running through it right now. Now rather that has an impact on that, I don't know but certain you talking about more strain. Even if we talk about a minimum of five (5) houses then you're talking about ten (10) dwellers. Multiply that by two (2), you have twenty (20) additional people. Anyone that drives up and down Miller Road it's a pretty tight road with a lot of traffic already. So you're talking about two acres with a lot of people packing in there so we do have strain on the system there. We certainly have an impact on as we just heard on, investments. All of us have dedicated ourselves to this community and have done a lot to try and make most of the community. I guess the other thing is when I read your mission statement I kind of have to question that doing this kind of impact at the end of this you're trying to achieve the highest quality of life's standards and at least from where our community is and what we're trying to provide there I think that feels to me more like a contradiction and disregard for that so. I represent the community it's probably over 100 potential voters that's in the area that's hoping that you'll serve our best interest. We know you have a lot of responsibility on the over site of the community and we hope that you consider our situation. Thank you.

City Attorney Ken Reynolds: Any additional comments or questions?

Doug Rayl: Hello. I'm Doug Rayl, and I live on Covington Street and my house is directly adjacent to this property that we're talking about. First of all I would like to thank you for giving us an opportunity to speak and hope that you listen to our concerns. I'm mainly concerned about my property value going down. That's the big thing. When I first moved out there I was told that, I think it was my real estate agent that told me this but I can't remember for sure. I wish I could remember. But that there would be nothing ever built there. And that is one of the reasons why I picked this property because I liked having the wooded area that was right behind me the brush and all that, kind of a natural wildlife buffer. Well, of course even if this doesn't go in that's been all destroyed cause it's been all bulldozed down. But you know I kind of like to have Willard unlike Springfield. I don't think that we should have to have buildings on every single block. You know we should have some natural buffer zones. But as we were talking about our property value it will go down, and even if these are nice duplexes which they probably will be nice duplexes. There still going to bring our property value down. And when we buy these houses a lot of us look at it as a future investment that whenever we want to sell them or like if you have kids and they sell it or whatever that there going to end up making more money of the property instead of less money than when we bought it. So

I'm very concerned about that. The drainage, there is a serious drainage problem in the area and my house is one of those areas that has it. Fortunately it doesn't get into the house or anything but it is a problem. And the more buildings you build there the less natural buffer zones we have therefore the more drainage problem we're going to have. And there is no way around that. Plus we heard that there is a plan that we may have a fence, or we may have shrubs, or we may have this or that. Well there is a lot of may's. I want to know for sure, exactly what is going to be there because we want not only privacy, but we want to have something that looks really nice too. Also I don't see how we are going to be able to get five (5) buildings in there. I mean that's just going to be packed in. So again thank you for letting me talk and letting all of us have our say.

City Attorney Ken Reynolds: Any additional comments or questions?

Rich Hime: Hi my name is Rich Hime and I live exactly north of the property. And I too like Doug was told that there would be no building behind us. We've lived there for five and a half, in June it will be six years. And we have enjoyed the wooded area and the rabbits, and the birds and things and now that's all bull dozen down and there's nothing there. And I just think that the impact of having all the extra cars and the traffic and everything else is going to be way to much for Miller cause it's over crowded now. And I too found out today that the property values if they build that stuff there will go down.

City Attorney Ken Reynolds: Any additional comments or questions?

Celine Fidel: My name is Celine Fidel and I live in the subdivision off of Miller Road. I believe that that will impact our home value as well. It's not right next to it but I am very concerned about having apartments there because anytime you bring apartments in, I don't care if they are wonderfully looking duplexes they will bring property values down. I know that there are duplexes off of Miller Road close to the bank but I think that's more of a, there's the bank there so that's more, it's not residential. But further on down it's all residential off of Miller Road. There is in my opinion there is just no reason to even have duplexes right there with all the housing even though there are apartments down the road. But those apartments are right near businesses. Further on down Miller is just all residential. So I do believe that it will bring property values down. I hope that you would really consider that because I've been in a home where property values have gone down and it's very hard to get rid of a home. So I would hope that you would really listen to people that own homes there and do not let apartments be built there. Thank you very much.

City Attorney Ken Reynolds: Any additional comments or questions?

Steve Peterson: My name is Steve Peterson. Thank you for hearing me. I would just like to reemphasize a few points that have already been made. Such as, I live immediately adjacent to the property in question. And I was told by my realtor that they would not build there. However it looks like there going to. I think that's way too much for the road and the system that's already in place. Thank you.

City Attorney Ken Reynolds: Do you have a comment or question?

Tammy Birch: Hi I'm Tammy Birch and I'm just here to ask you to do one thing, is to drive by. Drive by and look at my house now. I live at the corner of Race and Miller and my backyard is completely caved and carved by water already. And I have no idea what this is going to do but I have pets, I have two young girls and it's just heart breaking to me. Thank you.

City Attorney Ken Reynolds: Any additional comments or questions? Hearing none I recommend that that public hearing be closed. And turn the meeting over to you madam chairmen, chairperson.

Chairmen Dale Duvall called the meeting to order.

Agenda Amendments/Approval of agenda

Chairmen Dale Duvall asked if there were any amendments to the agenda. City Administrator, Fred Gress stated that item # 6 needed to be reworded to read, notification from the Board of Aldermen to the Planning and Zoning Commission that proceedings to annex certain roadways within the Meadows Service Area are being scheduled by the Board of Aldermen. This is just an informational item only.

Motion made by Mayor Thomas J. Keltner with second by Bradley Dalton to approve the amendment to the agenda listed above. All votes yes. Motion carried.

Motion made by Lucille Murray with second by Charles Gugel to approve the agenda. All votes yes. Motion carried.

Minutes 01/23/07

Motion made by Lucille Murray with second by Mayor Thomas J. Keltner to approve the minutes of the Regular Meeting on January 23rd, 2007. All votes yes. Motion carried.

Citizen Input

None

Request for rezoning R-1 to R-2 for Joseph M. Hestand

Mayor Thomas J. Keltner: Madam Chair. I would like to go on record voicing my disapproval of this. This is not the first time we have tried to do something like this before. In May of 05 Planning and Zoning took a request to rezone 4.05 acres from R-1 to R-2. It was at 208 Willey. That request was denied. From the minutes of that meeting a gentlemen by the name of Jim Miller, and I want to quote him, I think he sums this up very well. To quote Mr. Miller, "We believe it is inconsistent with the total area and to rezone it would have a devaluation of the residential properties in that area and that this board should not make a recommendation to the city council that it be rezoned from R-1 to R-2. I just believe that it is inconsistent with this area. It is inconsistent with the character of the area. And I would respect the request that Planning and Zoning Commission not change the area by allowing this particular section to provide for multi-family or duplexes." I agree with Mr. Miller and I also challenge that this is spot zoning. This is, would be R-2 zoning right in the middle of hundreds of acres of R-1 zoning. The

closest R-2, I believe that is Megan Road that somebody mentioned there by Mid-America Bank. Excalibur, o.k. I'm sorry. I believe that is well over a half a mile away from this property. And that is the closest. We do not do spot zoning and in my way of thinking this is a text book example of spot zoning. It is my recommendation that we allow this to die for lack of a motion.

Chairmen Dale Duvall asked if there were a motion. No motion was made.

Notification from the Board of Aldermen to the Planning and Zoning Commission that proceedings to annex certain roadways within the Meadows Service area are being scheduled by the Board of Aldermen

City Administrator, Fred Gress stated that at the last Board of Aldermen the City of Willard has negotiated a letter of understanding for the purchase of the water system and the sewer system in the Meadows area. The Board of Aldermen also authorized the annexation of certain right-of-ways in that area. The city will be annexing in phases over the next several months. The city will be annexing state and county right-of-way. Fred stated this is a major undertaking but has extremely positive impacts for the citizens of Willard and the citizens for the Meadows Water System.

Request to set Public Hearing for amendment to Land Development Regulations Section 16.2.1.

City Administrator Fred Gress stated that this amendment would allow for a posting of a cash bond that would not be revocable without the signature of the city. The bond would be issued in the name of the city and the developer. The purpose of the cash bond is to allow partial or phase development of a development area without the huge outlay on the part of the developer.

Motion made by Mayor Thomas J. Keltner with second by Charles Whitehead to recommend that a Public Hearing be set on March 27th, 2007 for the proposed amendment to the Land Development Regulations. All votes yes. Motion carried.

Old Business

None

Motion made by Lucille Murray with second by Charles Gugel to adjourn meeting. All votes yes. Motion carried.

Meeting adjourned.

Kathy Blakemore, City Clerk