



# SPECIAL ELECTION

## Russellville Rezoning Ordinance No. 2260

**ELECTION DATE:** Tuesday, May 9, 2017

**BALLOT TITLE:** The issue of rezoning real property located at Marina Way in Russellville, Arkansas from R-1 single family residential to PUD (planned unit development) for the purpose of allowing the construction and development on the real estate of an assisted living facility, as REFERRED TO THE PEOPLE OF THE CITY OF RUSSELLVILLE, ARKANSAS. If a majority of the voters vote FOR the repeal of the ordinance this will repeal the ordinance and not allow the rezoning. If a majority of the voters vote AGAINST repeal of the ordinance this will affirm the ordinance and allow the rezoning.

### What is being proposed?

Voters registered in the city of Russellville have the final say on whether a 20-acre piece of property on Marina Way can be developed as an assisted living/senior living facility or whether the land should remain as a location where only single-family homes can be built. In this special election, voters are being asked whether they want to repeal the city's Ordinance 2260 that gave permission to rezone the property for the living facility.

### Why is the issue on the ballot?

Russellville's Planning Commission and City Council approved a request by developers of The Arbors at Russellville to change the official zoning designation of the property. The city's zoning law identified the property as future residential land for single family homes. Developers asked and received permission from the Planning Commission and City Council officials to develop the property instead as a Planned Unit Development.

## QUICK LOOK: What does your vote mean?

**FOR:** A FOR vote means you are in favor of repealing Ordinance 2260 and prohibiting the property from being rezoned from R-1 to PUD. The assisted living center facility would not be allowed to develop here.

**AGAINST:** An AGAINST vote means you are against repealing Ordinance 2260 and want to allow the zoning from R-1 to PUD to take place. The assisted living center facility would be allowed to develop here.

### Exercising your voting privilege:

We live in a democratic society where voting is a privilege of citizenship. Democracy works best when informed citizens exercise their voting privilege. **Election Day for this issue is May 9, 2017. Early voting begins May 2, 2017. Please exercise your right to vote on this issue.**

**PUBLIC POLICY CENTER**

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The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

## What do supporters of the repeal say?

- Traffic generated by the facility would disrupt the area's quietness.
- There are properties elsewhere in the city that would better suit the commercial development.
- The facility would hurt property values in the area. Allowing this commercial project in a residential zoned area also devalues commercial property because the developers won't be required to build in the properly zoned commercial area.
- Property owners built homes in the area because they believed the surrounding properties would be developed as single-family homes.
- Zoning plans are designed to protect the citizens by allowing orderly growth without fear of nonconforming uses being placed near them.
- The 20 acres should be left alone for future residential development. The future of Russellville is in bringing young professionals who will buy homes.
- To allow the project in an area that doesn't follow the comprehensive zoning plan and in an area such as this, which has no other deviations from the plan, amounts to spot zoning.

## What do opponents of the repeal say?

- The property is conveniently located for such a facility and has a view that makes it a great location.
- Under a Planned Unit Development zoning designation, developers can't make any changes to the plan without going back to the city for approval.
- The facility would enhance property values in the area.
- The city is already trying to develop an area that would be attractive to younger residents and a senior living facility would not tarnish Russellville's appeal to them.
- Seniors deserve a great place to grow old in and this city badly needs facilities like this.
- Seniors should not be restricted to a commercial environment with their only views being concrete and steel.
- The City of Russellville already has a negative business image. The vote for further shows the lack of growth and disrespect for the seniors of the city.

Citizens Protecting Our Neighborhoods, a group of residents opposed to the city's decision, gathered enough signatures from registered voters to call a special election regarding the city ordinance that allowed the change in land use. They want to repeal the ordinance.

## General Questions

### What is zoning?

Cities classify all land within their borders in a way that describes what types of land use activities are allowed on the property and how properties can be developed. These classifications describe the property's "zoning" designation, and often include residential, commercial, agricultural, or industrial labels.

Zoning laws are enacted to provide order in how land is developed and to prevent conflicting developments from being near each other. For example, most cities would not allow an industrial factory next to houses. In addition to zoning designations, Russellville created a comprehensive development plan that describes how city officials and residents think property should develop and the uses that would best suit those properties once developed.

A zoning classification is not set in stone. Cities have a process in which property owners can apply to change their land's designation. Planning Commissioners and City Council members vote whether to approve rezoning requests.

### What does R-1 mean?

R-1 is a zoning designation for Single-Family Residential Districts. According to Russellville's zoning law, the main use of land in this district is for single-family homes



and “related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.” Up to 4.5 dwelling units are allowed per acre under this zoning designation.

### What does PUD mean?

PUD stands for Planned Unit Development, a zoning designation meant to “promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the use of vacant, in-fill parcels in the built up portion of the city,” according to Russellville’s zoning laws. The zone also promotes “the inclusion of open space in developments.”

PUDs can be residential, commercial, industrial or a combination of these uses. By city law, properties in a PUD must be at least two-acres in size. The city’s zoning law calls for these types of development to be consistent with the existing zoning designation.

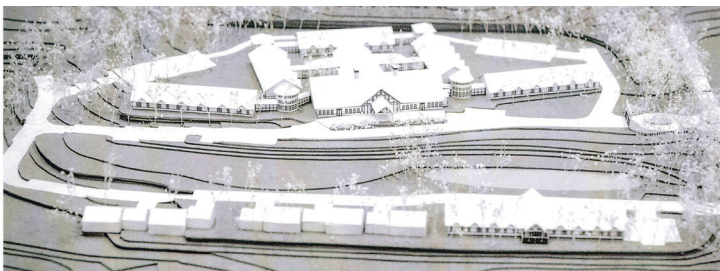
Developers often apply for PUD zoning when their plan calls for multiple uses or when they don’t exactly fit a city’s existing designation. Developments with this zoning designation typically include a shared open space and association responsible for maintaining common areas.

Russellville’s zoning law allows between 7 single-family dwelling units per acre up to 24 multi-family dwelling units per acre in a Planned Unit Development zone. You can find more information about Russellville’s zoning laws online at [www.russellvillearkansas.org/DocumentCenter/View/1041](http://www.russellvillearkansas.org/DocumentCenter/View/1041).

The city’s comprehensive development plan identifies six specific areas in Russellville that if developed would require special attention that is seen in Planned Unit Development projects. The plan is accessible at [www.russellvillearkansas.org/DocumentCenter/View/228](http://www.russellvillearkansas.org/DocumentCenter/View/228). The property for The Arbors at Russellville is not one of those named sites, although the plan does not prevent property from being rezoned for PUDs.

### What are the development plans for this property?

Landers Holding LLC has proposed building The Arbors at Russellville on 20-acres on the north side of Marina Way, west of River Oaks Lane. The 69,000-square-foot development near Lake Dardanelle State Park would include a large assisted living facility, a memory care facility and up to 14 independent living cottages, according to Planning Department records. Representatives of the development have said in public meetings that there are plans to build a second phase at a later date.



Voters are being asked whether to repeal a rezoning ordinance or keep it in place for this 20-acres off Marina Way in Russellville. Landers Holding LLC plans to build an assisted living facility on the property that was rezoned last year. Images taken from Russellville Planning Commission documents.

The following is the referred ordinance as it will appear on the city's Special Election ballot for all City of Russellville voters.

BALLOT TITLE

The issue of rezoning real property located at Marina Way in Russellville, Arkansas from R-1 single family residential to PUD (planned unit development) for the purpose of allowing the construction and development on the real estate of an assisted living facility, as REFERRED TO THE PEOPLE OF THE CITY OF RUSSELLVILLE, ARKANSAS. If a majority of the voters vote FOR the repeal of the ordinance this will repeal the ordinance and not allow the rezoning. If a majority of the voters vote AGAINST repeal of the ordinance this will affirm the ordinance and allow the rezoning.

CITY OF RUSSELLVILLE ORDINANCE NUMBER 2260

AN ORDINANCE REZONING CERTAIN REALTY IN THE CITY OF  
RUSSELLVILLE, ARKANSAS, AND FOR OTHER PURPOSES

WHEREAS, an application has been made for the rezoning of property to PUD, which is located at Marina Way, Russellville, Arkansas, as further described in the attachment labeled as "Exhibit A" and incorporated in this Ordinance by reference and commonly known as "The Arbors at Russellville."

WHEREAS, after due notice as required by law, the Petitioner appeared before the Planning Commission on October 24, 2016, for a public hearing with the Petition for rezoning the above described area; heard all persons desiring to be heard on the question of rezoning the aforementioned property and has ascertained that the public interest and welfare will not be adversely affected by the zoning; and said Petition was recommended by the Planning Commission for approval by the City Council; and,

WHEREAS, THE City Council has considered the petition of rezoning the aforementioned property at its regularly scheduled public meeting on the 17th day of November 2016, and,

WHEREAS, it appears that the Petition for rezoning is proper and should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
RUSSELLVILLE, POPE COUNTY, AKRANSAS, THAT:

SECTION 1: The above described real property, as further described in the attachment labeled as "Exhibit A" and incorporated in this Ordinance by reference, in the City of Russellville, Arkansas, is hereby rezoned from R-1 to PUD.

SECTION 2: A copy of the Ordinance duly certified by the City Clerk-Treasurer shall be filed in the office of the recorder of the County and recorded in the Deed Records of the County.

ORDAINED this 17th day of November, 2016

VOTE BY PLACING AN X ON THE SQUARE BESIDE  
FOR OR AGAINST THE REPEAL OF THE ORDINANCE

FOR REPEAL OF THE Ordinance Number 2260 ☐

AGAINST REPEAL OF THE Ordinance Number 2260 ☐

**Conflict of interest:** This information was assembled to provide the citizens of Russellville with information to help them in making an informed decision on Election Day. An effort has been made to ensure the information is presented in a fair and balanced way that best represents the facts associated with this ballot issue. As part of this effort, we are obligated to divulge potential conflict of interests. Russellville Alderman Phil Sims is an employee of the University of Arkansas System Division of Agriculture, which houses the Public Policy Center that produced this fact sheet. Mr. Sims is staff chair of the Pope County Extension Service Office. Because of this conflict of interest and to ensure neutrality, the Public Policy Center has partnered with Arkansas Tech University to review and distribute this fact sheet and share it with Russellville voters.