

*City of Jonesboro City Council*  
**Staff Report – RZ 16-25: 1917 Keller’s Chapel Road**  
 Municipal Center - 300 S. Church St.  
*For Consideration by the Council on February 21, 2017*

**REQUEST:** To consider a rezoning of one tract of land containing 1.67 acres more or less.

**PURPOSE:** A request to consider recommendation from MAPC to the Council to consider a request for rezoning of 1.67 acres of land located at 1917 Keller’s Chapel Road from R-1 Single Family Residential and C-3 General Commercial District to RM-8 LUO Multi-Family Residential.

**APPLICANTS/  
OWNER:** Ms. Devon Scott 11560 Highway 358 Paragould, AR 72450

**LOCATION:** 1917 Keller’s Chapel Road, Jonesboro, AR 72404

**SITE**

**DESCRIPTION:** **Tract Size:** Approx. 1.67 acres  
**Street Frontage:** **Street Frontage:** Around 150 feet along Keller’s Chapel Road  
**Topography:** Flat  
**Existing Development:** One abandoned single family home.

**SURROUNDING CONDITIONS:**

<b>ZONE</b>	<b>LAND USE</b>
<b>North</b>	R-1 Single Family Residential
<b>South</b>	R-1 Single Family Residential
<b>East</b>	C-3 General Commercial District
<b>West</b>	R-1 Single Family Residential

**HISTORY:** This land has been developed as a single-family house. The house is now abandoned, but the applicant’s grandparents formerly occupied it.

**ZONING ANALYSIS**

*City Planning Staff has reviewed the proposed Zone Change and offers the following findings:*

**COMPREHENSIVE PLAN LAND USE MAP**

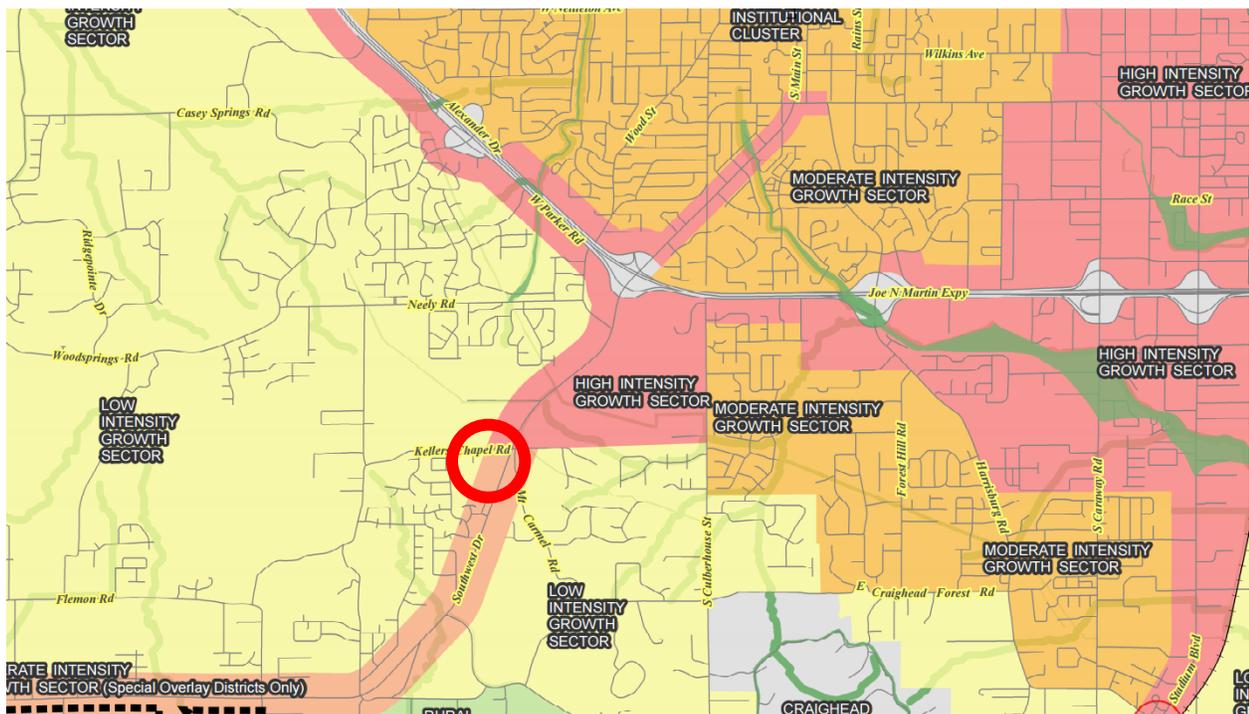
The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only). A wider mix of land uses is appropriate in the moderate intensity sectors. Control of traffic is probably the most important consideration in this sector. Additionally, good building design, use of quality construction materials, and more abundant landscaping are important consideration in what is approved, more so than the particular use. Limits on hours of operation, lighting standards, screening from residential uses, etc. may be appropriate.

## **Moderate Intensity Growth Sector Recommended Use Types Include:**

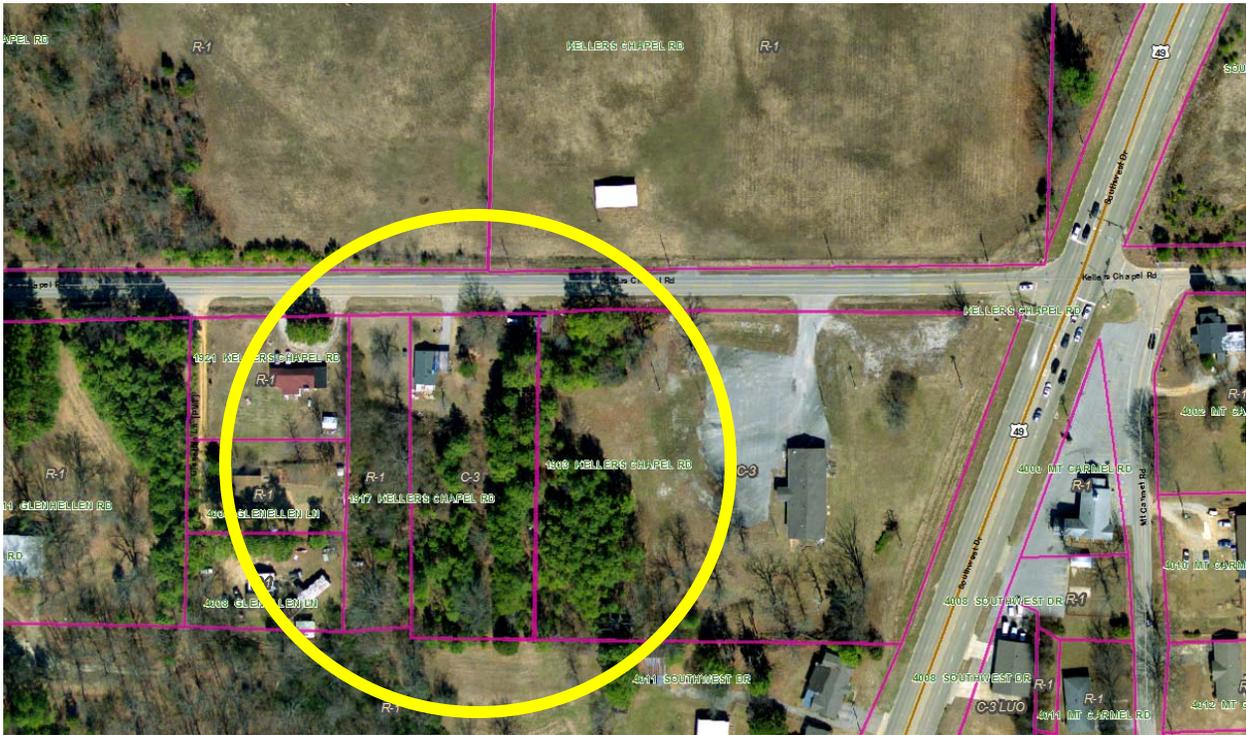
- Single Family Residential
- Attached Single Family, duplexes, triplexes and fourplexes
- Neighborhood retail, neighborhood services
- Office park
- Smaller medical offices
- Libraries, schools, other public facilities
- Senior living centers/nursing homes, etc.
- Community-serving retail
- Small supermarket
- Convenience store
- Bank
- Barber/beauty shop
- Farmer's market
- Pocket park

## **Master Street Plan/Transportation**

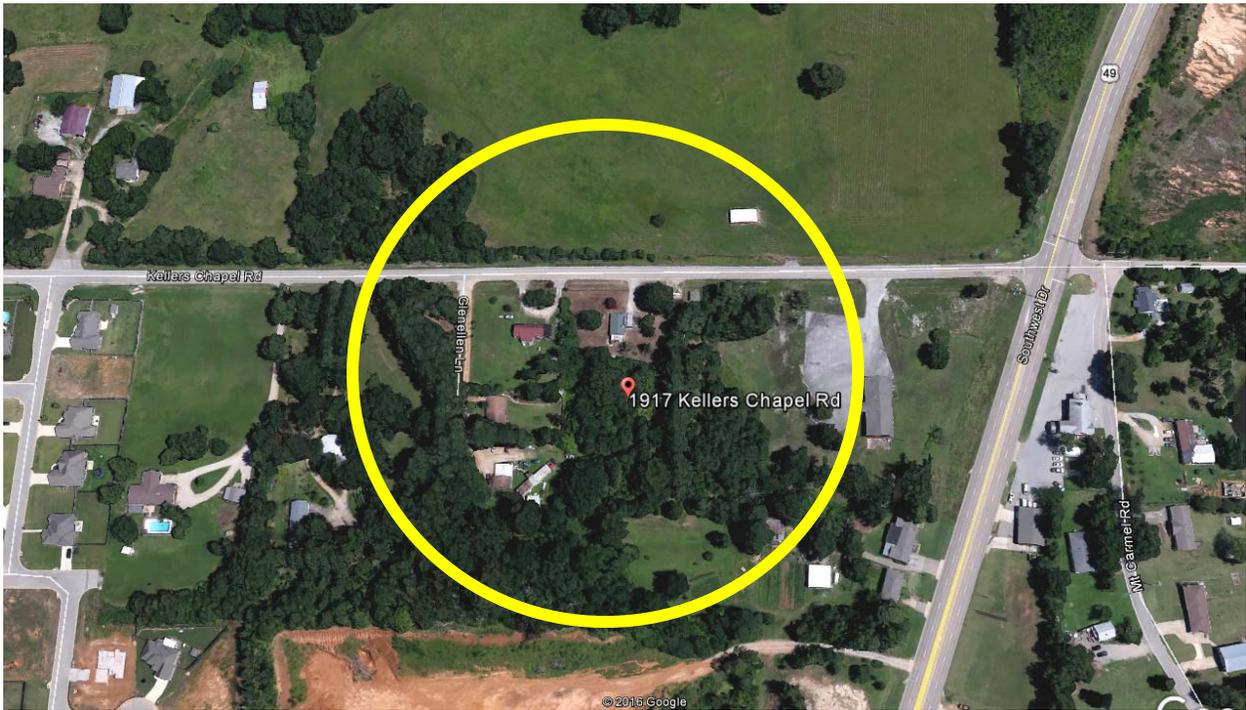
Keller's Chapel Road, which on the Master Street Plan is defined as a Collector, serves the subject site; the street right-of-ways must adhere to the Master Street Plan.



**Adopted Land Use Map**



**Aerial/Zoning Map**



**Aerial View**

**Approval Criteria- Chapter 117 - Amendments:**

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following:

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map.	This area is classified as Moderate Intensity that suggest no more than 8 dwelling units per acre for Multi-Family. The square footage on this property would only allow for 13.36 units – they would only be able to put 13 units on this property.	1. 
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The area surrounding this address is zoned mostly R-1 Single Family Residential. There is one lot to the east that is zoned C-3 General Commercial. With the exception of one C-4 lot several hundred yards to the South, this would be the only Multi-Family housing in the area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Because this property has a split, zoning it could be difficult to develop as either Residential or Commercial. Putting this lot under one zoning would make it easier to develop.	
(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property.	This site and use should not be a detriment to the area if controls are implemented to screen and buffer the Multi-Family from the Single Family Residential.	
(f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant.	The property been single family residential. The applicant’s grandparents in the house that is currently on the lot.	
(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.	Minimal impact if rezoned because a majority of lots surrounding this address has already been developed.	

**Staff Findings:**

**Applicant is Purpose:**

The parcel to the east contains nearly six acres of C-3 General Commercial. Because there is no way of knowing what might be developed on that C-3 parcel, developing this parcel as an R-1 subdivision would be a difficult product to sell. The applicant proposes to “down-zone” the C-3 General Commercial portion of the property, and reclassify the R-1 portion of the property to a Multi-Family (RM-8; LUO) with a maximum of twelve dwelling units for the entire site, thereby creating a transition between the existing General Commercial to the east, and the remaining R-1 property to the west.

**Chapter 117 of the City Code of Ordinances/Zoning defines RM-8 Multi-Family Residential as follows:**

*RM-8 Multi-Family Residential.* This is a residential multifamily classification allowing eight units per net acre. This zoning includes all forms of units, duplexes, triplexes, quads, and higher.

**Departmental/Agency Reviews:**

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No objections to this rezoning to date.	
Streets/Sanitation	No objections to this rezoning to date.	
Police	No objections to this rezoning to date.	
Fire Department	No objections to this rezoning to date.	
MPO	No objections to this rezoning to date.	
Jets	No objections to this rezoning to date.	
Utility Companies	No objections to this rezoning to date.	

**Zoning Code Allowable Uses:**

Below is the Table of Permitted Uses regarding the requested RM-8 LUO, Multi-Family Residential:

<b>RM-8 Permitted Uses</b>	
Single Family, attached	Communication tower
Duplex, triplex, Fourplex	Day care
Multifamily	Golf Course
Manufactured housing unit	Government Service
Group Residential	Library
Bed and Breakfast	Parks and recreation
Cemetery	Safety services
Church	School, elementary, middle and high
College or university	Utility, major and minor

NOTE: THIS IS WHAT IS ALLOWED, BUT THE APPLICANT HAS NOTED DUPLEXES ONLY!

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**MAPC RECORD OF PROCEEDINGS: Public Hearing Held on February 14, 2017**

**APPLICANT:** Mr. George Hamman requested MAPC approval for a rezoning from R-1 Single Family Residential and C-3 General Commercial to RM-8 Multi-Family Residential. This zoning would allow up to eight units per acre, including all forms of units, duplexes, triplexes and quads and higher. They also requested a Limited Use Overlay for this rezoning.

Mr. Hamman stated they had this request on the previous agenda but had requested the wrong classification at that time so they withdrew it. They fixed that issue and are now back asking for a rezoning to RM-8. There was an article in the paper that had a misprint in it but the paper has since issued a correction.

Mr. Hamman presented the history and the applicants’ connection to the property. The property has been in the applicants’ family since before her birth. Her father and uncle were raised in the existing house. The applicant has purchased the property from her family and is now the owner. Facing Keller’s Chapel Road, the Master Street Plan recommends this road as a Collector; a three lane road with a turning lane in the middle. The applicant would like to turn this into something more valuable. Some of this property is C-3 and the applicant could use this area to build something less desirable than duplexes. It could be used as a pawnshop, used car lot, a kennel, ect. This request actually enriches the prospects of what the property could actually be used for. They originally were requesting 16 units but later on reduced that number down to 12 units. That allows them to maintain the moderate density recommended by the Lane Use Plan. The applicant has always intended to screen the property from the surrounding properties and fencing will be a part of the site plan. The applicant is aware of how much money it will take to extend the sewer line.

Mr. Hamman went on to address the staff report. Of the seven rezoning criteria, six of them are in compliance. The only one not in compliance states that it does not go with the surrounding properties. Based off how some of the surround properties look, this proposed development would improve the area while also providing a transition zone between the C-3 zoning to the East and the R-1 zonings to the North and West. In addition to this, the applicant requested this to be a Limited Use Overlay. They have reduced the uses to residential use only. All of the units will be duplexes. There will only be 12 dwelling units on the property. There is also an option for them to build a single car garage for the applicant to store tools in so they can maintain the property. There is a condition listed in the staff report that requires the final site plan to be approved by the MAPC so the site plan will come before the MAPC again for final approval. The building will have low maintenance siding and each unit will have a one car garage. The owners will be doing their own maintenance to the structures. This development is not intended to be a low-income housing development of any sort. The target rent for the units will be \$900 dollars per month. However, they will not discriminate against any applicants. This will be a fair housing development.

Mr. Hamman also addressed the concerns that were brought up at the first meeting. There were some questions raised by the opposition that the applicant did not notify certain individuals. While the rezoning process is currently being reviewed, the current requirements were all completed and done within a timely manner. The applicant has a sentimental tie to the property and a willingness to invest in the property. The applicant also stressed they would leave as many of the trees on their property as possible. Regarding traffic, the development is several hundred feet away from the oppositions address. The applicant believes any traffic generated by this development would not drive in front of the opposition's house. There was also concern about open space in this development. The reduction from 16 units to 12 units will allow the applicant to provide addition open space. They want this to be an attractive development.

Mr. Hamman also addressed the petition submitted before the meeting. The petition had 42 signatures that represented 29 pieces of property. Of those twenty-nine pieces of property, seven of them were three or more miles away from the proposed development.

**STAFF:** Mr. Derrel Smith presented staff comments. They do meet six of the seven criteria for a rezoning. It does not match what is out there but it will provide a buffer.

***The planning department recommended approval with the following conditions:***

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

**PUBLIC:** Mr. Don Roach was at the meeting to voice his opposition to the rezoning request. He was the individual behind the petition that gathered 42 signatures. He said all of the people to sign

the petition were members of the community. Those that were not from the surrounding community were members of a nearby church and they use Keller's Chapel Road to get to their church. He said he did not find one single person who supported this development. He felt like this development would increase traffic and water runoff from this site. Some people in the surrounding area were not aware this rezoning request had been submitted with the city. He also felt like this was spot zoning. He is completely against spot zoning and this rezoning request.

**PUBLIC:** Ms. Leann May was also at the meeting to voice her opposition to the rezoning request. She also felt like the applicant would not get \$900 dollars per month for a duplex. She is also afraid this development may start nice but will eventually end up trashed. She thinks her home value will be reduced by half.

**PUBLIC:** Mr. Michael May was also at the meeting to voice his opposition to the rezoning request. His main concern was water pressure. He wanted to know where the water would come from once this land was developed. He was afraid it would lower his water pressure even lower than it current is. According to him, he barely has enough water pressure to wash his car.

**ENGINEERING:** Mr. Michael Morris from the Engineering Department said the applicant would be responsible for providing water to the property.

**PUBLIC:** Mr. Roach stated again that he went to as many houses as he could. He felt like he could have had another 100 signatures if he could have gone to all of their houses. He asked the MAPC to not disappoint all of the individuals in the surrounding neighborhood just to please one person.

**APPLICANT:** Ms. Devin Scott, the owner of the property, spoke to address some of the concerns. She felt like removing the current house that is located on the property would actually improve the area. If she owned a quarter of a million dollar house, she would not want to drive by that old house every day. In addition, Ms. Scott said she spoke with the adjoining property owners and none of them was against it. She felt like her proposed development would improve the area. She said she would make her development look nice.

**PUBLIC:** Mr. Roach said when he spoke with the Godwin's, one of the surrounding property owners, they were under the impression this development would only have three units.

**COMMISSION:** Mr. Kelton asked Mr. Smith if this was spot zoning.

**STAFF:** First, Mr. Smith pointed out there was a sign on the property stating the rezoning request. Second, he explained the growth map shows this to be moderate density. Eight units per acre is considered moderate. Half of this is already zoned C-3. It does meet the Land Use Map recommendation but there are no multi-family zonings in the area.

**COMMISSION:** Mr. Kelton pointed out that if it benefits the community and the community wants the development it usually is not considered illegal. However, if the community is against it and it does not benefit the community it will be considered illegal. He asked Ms. Duncan to express her opinion on the issue.

**ATTORNEY:** Ms. Duncan presented the definition of spot zoning. She said it is consistent with the Land Use Plan. She said they would need to look at everything around it and make the determination regarding whether or not it is consistent with the cities master plan and the current zonings around it. This land is more consistent with some properties more than others in the area.

**COMMISSION:** Mr. Reece provided his opinion to the Commission. He could see where people would not want this in their neighborhood and it being spot zoning. His major concerns was that if they rezone this property they would not be able to tell the next person no. It would open the door for more multi-family in the area.

**COMMISSION:** Mr. Perkins asked how half of the property became zoned as C-3.

**APPLICANT:** Mr. Hamman said this was rezoned when the proposed mall was being rezoned. At that time, the applicant's dad decided to rezone some of their property for commercial use. This was done around 2002 or 2003. The commercial property is large enough to put some type of commercial development on that lot.

**PUBLIC:** Mr. Kelton pointed out that a majority of the lot is zoned C-3. He also pointed out the corner lot is for sale as a Commercial property. He also pointed out the driveway for this development is around 800 square feet away from the intersection of Keller's Chapel Road and Southwest Road.

**PUBLIC:** Mr. Mays wanted to know where other multifamily property was located at in this area.

**STAFF:** Mr. Smith pointed out that one of the lots to the south was zoned for multifamily development.

**PUBLIC:** Ms. Sherry Malone asked if the Commercial property at the corner lot was facing Southwest Drive or Keller's Chapel Road. She feels like Keller's Chapel Road is a residential road and Southwest Drive was more of a commercial road.

**ENGINEERING:** Mr. Michael Morris from the Engineering Department said the development would have to address their drainage problems before a building permit can be issued.

**PUBLIC:** Mr. Kelton also asked Mr. Hamman if this development would adhere to the Fair Housing Act.

**APPLICANT:** Mr. Hamman said that this development would adhere to the Fair Housing Act and there will be no discrimination regarding who can live in the houses.

**Commission Action:**

Mr. Kevin Bailey made a motion to approve Case: RZ: 16-28, as submitted, to the City Council with the noted conditions, and the MAPC find that to rezone property from "R-1" Single Family and "C-3" General Commercial to RM-8 LUO Multi-Family Residential. Motion was seconded by Mr. Jim Scurlock.

**Roll Call Vote:** 6-1, Aye's: Paul Hoelscher; Ron Kelton; Jim Scurlock; Kevin Bailey; Brant Perkins; and Jimmy Cooper.

Nay: Jerry Reece

Absent: Dr. Rick Stripling

**Conclusion:**

The MAPC finds that the requested Zoning Change submitted for subject parcel, should the City Council decide to approve based on the above observations and criteria of Case RZ 16-28, a request to rezone property from R-1 Single Family Residential District and “C-3” General Commercial District to RM-8 LUO Multi-Family Residential, subject to final site plan approval by the MAPC and the following conditions:

***The following conditions were attached to this rezoning request:***

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. This development will be duplexes only.
6. There will low maintenance to no maintenance masonry finish on the exterior of the building.
7. One car garages show be provided on all units.
8. There will be a maximum of six duplexes on the property (maximum of 12 units).

Respectfully Submitted for Planning Commission Consideration,  
The Planning Department

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**Sample Motion:**

I move that we place Case: RZ 16-28 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that changing the zoning of this property from R-1 Single Family Residential and “C-3” General Commercial District to the proposed RM-8 LUO Multi-Family Residential, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future.



View looking North



View looking South



View looking East



View looking West