

City of Jonesboro City Council
Staff Report – RZ 19-12: 516 W. Jefferson Rezoning
Municipal Center - 300 S. Church St.
For Consideration by the City Council on September 3, 2019

REQUEST: To consider a rezoning of one tract of land containing .62 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “C-2” General Commercial District to a “RI-U” Residential District Limited Use Overlay.

**APPLICANTS/
OWNER:** Gary Harpole, Partnership in Owner, 301 W. Washington Av, Jonesboro, AR 72401

LOCATION: 516 West Jefferson, Jonesboro, AR 72401

SITE DESCRIPTION: **Tract Size:** Approx. . .62 Acres / 27,060 Sq. Ft.
Street Frontage: 158.20 ft. along Jefferson Avenue
Topography: Predominately Flat
Existing Development: Currently Vacant

SURROUNDING CONDITIONS:

ZONE	LAND USE
North - C-2	Residential and Commercial Buildings
South – R-2	Residential – Multi Family Houses
East – RS-4	Residential House
West – C-2	Residential and Commercial Houses

HISTORY: Parking Lot

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 Downtown Redevelopment District Cluster Sector. The enhancement of this area represents a longer-term effort. Investment in the Redevelopment Cluster will increase after values increase in the remainder of Downtown. In other Words, enhancement of the Downtown Redevelopment Cluster will become feasible after the balance

of Downtown's market has been strengthened.

At that time, enhancement of the Redevelopment Cluster should be orchestrated by:

- Encouraging a mixture of uses to be developed in this area, including offices, services, government facilities, and housing;
- Recognizing that this cluster is not an appropriate location for general retail uses;
- Encouraging qualify real estate development projects similar to those, which have recently occurred along Washington Avenue between Flint and Madison Streets; and
- Recognizing the importance of Code Enforcement in this area.

Downtown-Recommended Use Types Include:

- *Multi-Family*
- *Attached Single Family Residential*
- *Retail*
- *Medical and Professional Offices*
- *Public Plaza*
- *Pocket Park*
- *Parking Deck*
- *Museums and Libraries*
- *Live/work/shop units*
- *Sit-Down Restaurants*
- *Corporate Headquarters*
- *Conference Center*
- *Government Buildings*
- *Commercial, Office and Service*

Density:

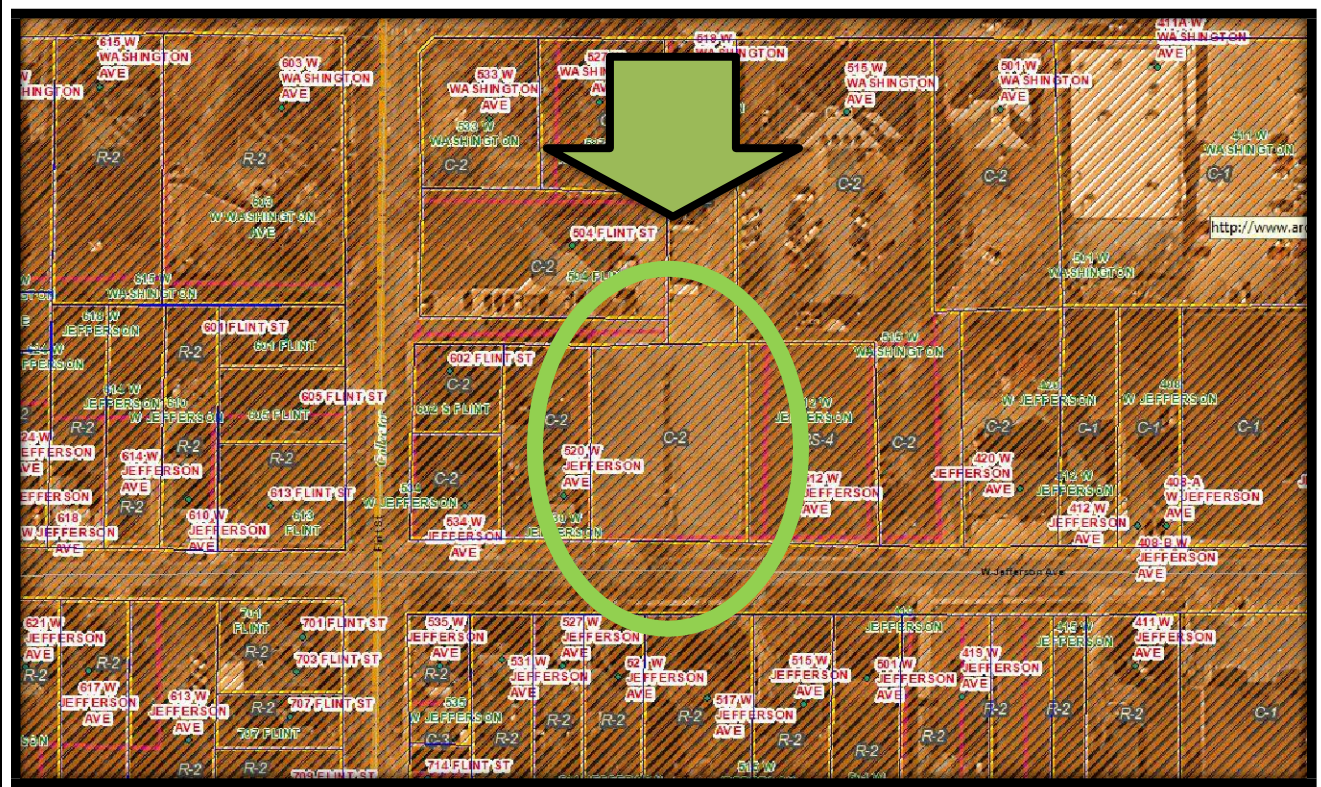
6 – 14 Units per acre for Multi-Family

Height:

6 Stories

Traffic:

Approximately no more than 300 Peak Hour Trips.

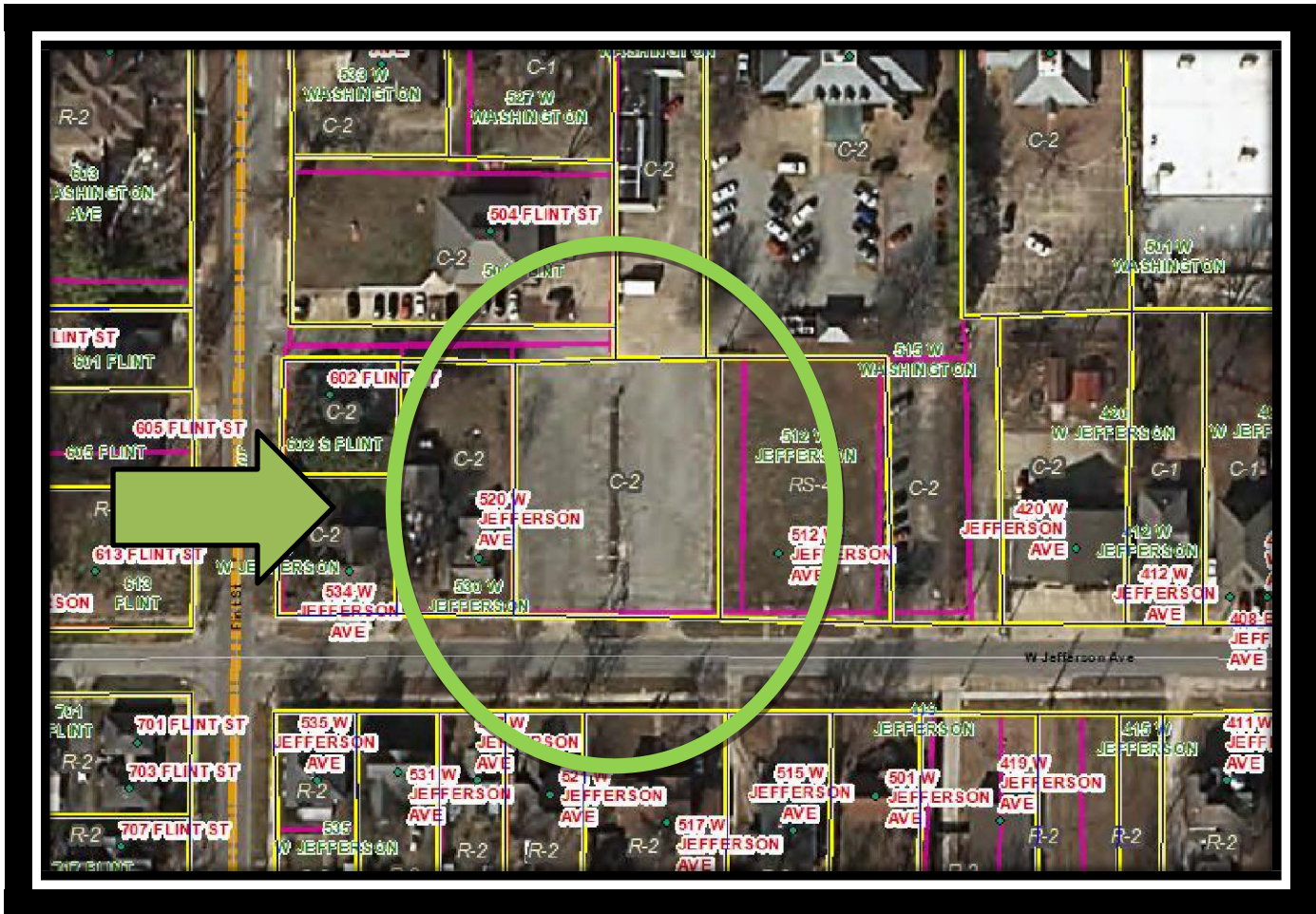


Land Use Map

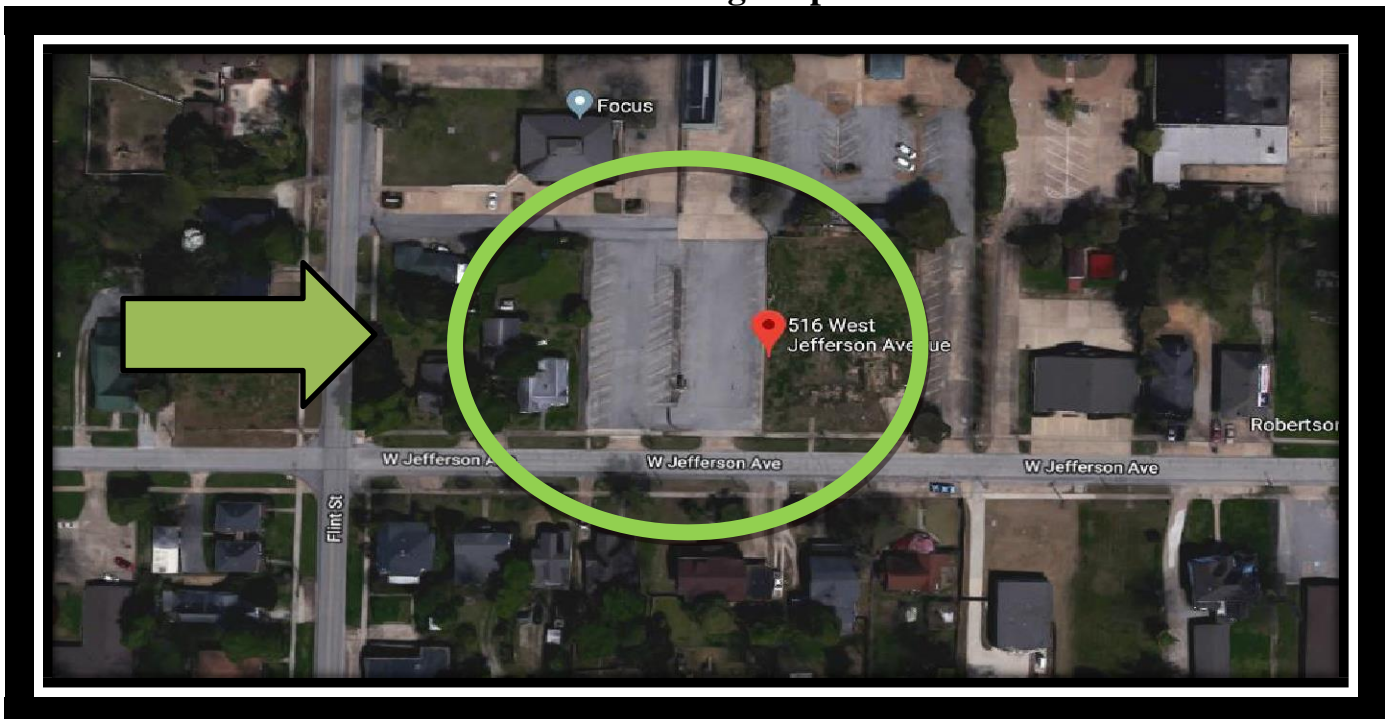
Master Street Plan/Transportation

The subject property is served by Jefferson Street. Jefferson Street on the Master Street Plan is classified as a proposed Local, requiring a 60 ft. right-of-way. The applicant will be required to adhere to the Master Street Plan recommendations.











Aerial/Zoning Map



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 list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a Downtown Redevelopment Sector. This is for Single Family Houses. This is requesting LUO so that no duplex or multi-family developments will be allowed for this RI-U property.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering there are single family in this area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Without the proposed zoning map amendment, this property will likely not develop as residential. The C-2 District does not allow housing in this district.	
(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;	No detrimental or adverse impacts are predicted, if proper assess management controls are implemented.	
(f) 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 due to the fact that businesses and residential currently exist in this area.	

Staff Findings:

Applicant's Purpose

The proposed area is currently classified as a C-2 Downtown Fringe Commercial District Zone. This rezoning helps to comply with the ReDevelopment Custer area for the building of homes on these smaller lot widths.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*. Rezoning makes sense considering there are already single family homes located in the area.

Chapter 117 of the City Code of Ordinances/Zoning defines RI-U/Residential District as follows:

Definition of RI-U Residential District - The purpose of a RI-U district is to provide Single Family Residential District is designed to permit and encourage the development of detached and attached swellings in suitable environments on lots less than 60 feet in width, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for a walkable urban living.

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 issues were reported	
Streets/Sanitation	No issues were reported	
Police	No issues were reported	
Fire Department	No issues were reported	
MPO	No issues were reported	
Jets	No issues were reported	
Utility Companies	No issues were reported	CWL
Code Enforcement	No issues were reported	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON AUGUST 27, 2019

Gary Harpole is requesting MAPC Approval for a rezoning from C-2 Downtown Fringe Commercial District to RI-U Residential Intermediate - Urban District for .62 acres +/- of land located at 516 W Jefferson Avenue.

APPLICANT: Gary Harpole stated the three lots are currently a parking lot. They are requesting a rezoning to RI-U in order to build three single-family homes. He has put in his request that he will only build single family detached homes. There will be no duplex, triplex, fourplex, or multifamily built. There are currently 10 structures on the block. Nine are residential. He built a home next door at 512 W Washington. He believes this would be best served both in terms of density and usage to develop this residentially. They will maintain architectural control over what gets built there. They are going to continue to build homes there that look like they fit the period of the west end area. They will not all look identical, but they will be required to have a front porch and will all have to do an architectural aesthetic approval. 90% of the structures in the 500 block are residential. If you average two and half vehicles per single family home, these three lots would probably generate eight vehicles. The reason they are requesting the RI-U is so that on the 50-foot lots, they can go as wide as 40 feet in terms of the frontage width of the home. The width of his home is 43 feet. He does not rear load because the lot was wide enough to front load off the driveway. These three lots would rear load off the alley between Jefferson and West Washington. If they maintained and developed it under C-2 guidelines, they could do 8-10,000 square feet in that zoning and that would generate somewhere between 25 to 30 vehicles per day just for employee parking only, let alone customer or client traffic that would come in and out of those businesses. Permitted uses, even without a conditional use permit, are bed and breakfasts, daycare, office including medical, restaurants. They could put a heliport in C-2 zoning. He believes single-family homes are going to be less intrusive in terms of density noise as well as aesthetically beneficial.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated they have reviewed it and would recommend approval of the mixed use planned development with the following requirements:

- 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 Planning Department, 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 the RU-1 Residential District shall be submitted to the Planning Department prior to any redevelopment.**
- 5. The Limited Use Overlay for this is that no duplex or multi-family will be built on this lot.**

COMMISSION: Lonnie Roberts Jr. asked for public comments.

PUBLIC: Vince Percy stated he owns the property at 530 West Jefferson, across the parking lot from Mr. Harpole. He stated he is not opposed to residential zoning. In fact, he encouraged Mr. Harpole to build his home where he did. He is opposed to the RI-U zoning designation. This zoning allows for 25' wide lot widths and 5' side setbacks. He believes a five-foot setback is not very desirable and 35' wide lots really are not either. He stated his lot is 72' wide. The lot at 534 West Jefferson is 72' wide as well. On item number seven on the application, Mr. Harpole stated that three homes where this parking lot is would fit the neighborhood perfectly. Mr. Percy stated he disagrees with that. He stated, you can see with my photo that this lot is essentially twice the size of his lot. It is 145' wide according to the county records before it was re-platted. This parking lot was previously two lots. Each lot had a home on it. That is the history of that property. He believes it is obvious that two homes would fit here perfectly. He believes everyone in the neighborhood would support two homes. He asked to look at number 13 on the application. He stated, part one of the questions asks how the neighbors feel about the proposed rezoning. He states that all are in favor. That is just not true. Mr. Percy stated he is not in favor and Mr. Harpole knows that. We spoke about this two days before he submitted his application. The residents at 602 Flint and 530 W Jefferson are not in favor and they both said they have not spoken with the applicant. Mr. Percy asked if any notes had been submitted regarding these conversations. Part two of question 13 clearly asks that the applicant submit notes from conversations and meetings from the neighbors. Do we have those notes? When they talked, the applicant told Mr. Percy that he wanted to build three homes because it was not economically feasible for him to build two. He also said he felt like he paid too much for the parking lot to begin with. He needed to build three in order for this to work out for him financially. Two weeks ago, one of your commissioners stated that it is not our job as commissioners to save an individual money. It is our job to help the public and to plan for the public good and not the individual. Some neighbors have said that they have not had any conversations with the applicant. The last sentence of item 13 on the application reads, failure to consult with neighbors may result in a delay in hearing the application. He stated they are hearing the application so it is a little late for a delay. He stated he is not sure procedure has been followed and that he does think that is too much density. It would be historically consistent to go back with two lots. He asked the commission to deny this rezoning.

STAFF: Derrel Smith stated the comment about the procedure not being followed. He has done the notifications that are required by the ordinance. We have those here. He has followed the procedures for a rezoning.

PUBLIC: Susan Hall stated she lives at 1304 W Jefferson. She has no objections to the plans that Mr. Harpole has expressed. Her objection is when she looks at a rezoning, she looks at what if he sells it tomorrow. What could be put on those lots? It looks like he is rezoning a lot that is 158' wide by 170' plus or minus. The criteria for RI-U is that you want to use these very small lots where nothing can be done with them. She looked at the survey from 2017 and there is no legend that says there were pins dropped. She does not think they would have dropped pins to make 50' lots because that does not fall under the criteria of C-2.

STAFF: Derrel Smith stated it does. You can have a 50' lot in C-2.

PUBLIC: Susan Hall stated if you are going down the street and look, visually it looks like a 75' lot next to a 75' lot. It looks like it has been that way since 1960. How many houses can be put on an RU-I and can it go up six stories?

STAFF: Derrel Smith stated per lot, one structure and no, it has a height limitation.

PUBLIC: Susan Hall stated if it is divided into 25' lots, which it could be, it would be six houses.

STAFF: Derrel Smith stated if they were 25’.

APPLICANT: Gary Harpole stated just as we stipulated that we would take out all duplexes and multifamily zoning, he would be happy to amend this to include that these lots will not be subdivided into anything smaller than 50’ to ensure that the three lots that are platted are going to remain the three lots. Regarding comments by Mr. Percy, Mr. Harpole stated there are three lots on the Southside of Jefferson that are much closer to 50’. If you look anywhere in the downtown area, there are an abundance of 50’ lots. To his point on not having conversations with all the neighbors, Mr. Harpole stated he should have updated the zoning application. He stated he made a commitment to people in the west end to help redevelop that part of town in a way that fits with the character of the west end association. With that comes some economic realities of how much money people are willing to spend to pay for a lot downtown. Having three lots with 45’ houses makes it economically feasible to those. Letters were sent to all neighbors. Several calls and emails were placed to neighbors and he did not get a response.

PUBLIC: Paul Ford of 527 W Washington stated he is in favor of this with the understanding that it will be three lots and three individual homes. Mr. Percy stated that if we put three houses in those three lots it would create a density issue. 534 and 602 already have two houses on one of those lots. There are three houses currently on two lots of the same size. The density would be identical. The question is how you slice that. It is an identical number of residences on the same square footage. Mr. Ford stated he looks out his kitchen window and see Mr. Harpole’s porch. He would like to see this property developed in a similar fashion.

PUBLIC: Josh Olson of 515 W Jefferson stated he is also in favor of the rezoning. He doesn’t know another case where you can be invested and live next door to the property and not allow them to do something to improve the area. He also understands the economic reasons and that people needs lots they can afford.

PUBLIC: Vince Percy stated on the photograph, the lot next to 530 W Jefferson. On the Westside there is a sidewalk. That is 5’ from him lot. The 50’ lot is going to allow a 40’ structure. Where is the driveway going to be?

STAFF: Derrel Smith stated that today Mr. Harpole said they were going to be rear loaded from the alley.

PUBLIC: Vince Percy stated that some people may feel that is a problem. He stated those people are at work so they could not be here. Mr. Ford’s comment about 602, that looks like an afterthought. He stated there are a lot of considerations here and they need to be careful. He applauds Mr. Harpole for bringing residential. He just thinks it is too much density. Maybe building three houses is a homerun in someone’s eyes. Mr. Percy stated that in his eye, if he built two, that would be a grand slam. Mr. Percy asked why no notes were put on the website.

STAFF: Derrel Smith stated we were not provided with any notes. That is a suggestion, not a requirement. That is up to the applicant to provide. We have all of the replies from the property owners, but no conversation notes.

COMMISSION: Jerry Reece stated looking at Mr. Harpole’s plans it appears to me that would only improve the west end neighborhood association. His permit will say that he cannot build any multifamily or duplexes. He is living right next to it. Why would he want to do anything that would be detrimental to the street or subdivision? Think about what he could put in there if he did not rezone it. That could be a nightmare.

PUBLIC: Vince Percy stated the widest lot is next to his house.

PUBLIC: Gary Harpole stated there is a drop off with a utility pole in that area. There might be an opportunity where they have to work off of that. I we did a normal residential zoning the setbacks would be 7.5'. It seems the issue is 2.5'. He stated he is fine with and will encourage someone to build within 5' of the property line.

COMMISSION: Jerry Reece asked Mr. Percy what he would like to go in there.

PUBLIC: Vince Percy stated he bought his property with the knowledge that was C-2.

COMMISSION: Jerry Reece asked why he would not think making those where you cannot build duplexes or multifamily homes would not benefit the north end association.

PUBLIC: Vince Percy stated he asked him to take the duplex language out and he did it to his credit. He stated he does not think it is consistent with what is on that map. He stated he talked to Mr. Harpole before he built his house and explain that he likes it down here. The businesses here lock the doors at five o'clock and they are gone. It is whisper quiet. I live on the south end of town across a fence from Home Depot. The neighbors out there were up in arms before that was built. I told them it could be worse.

COMMISSION: Jerry Reece stated it could be worse than he imagines. It is zoned commercial. He thinks it will be a win for the west end folks.

COMMISSION: David Handwork stated Mr. Harpole said he would be happy to amend it to restrict it to three lots. Is there zoning that would allow it to be subdivided more?

APPLICANT: Gary Harpole stated this zoning would allow it to come back and be cut into 25' lots. He stated that is not his intention and if his word is not good enough, the commission can add that language that it cannot be further subdivided.

COMMISSION: David Handwork stated the safety net for that would be that it has to come back in front of this body for approval.

COMMISSION: Kevin Bailey asked Derrel Smith in a four or five block area, how many 50' lots are around.

STAFF: Derrel Smith stated the older part of town was majority 50' lots back when originally platted. The have been added to and taken away from, but most are around that 50' mark.

COMMISSION ACTION:

Mr. Jerry Reece made a motion to approve Case: RZ: 19-12, as submitted, to the City Council with the stipulations that were read by the Planning Department:

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 Planning Department, 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 the RU-1 Residential District shall be submitted to the Planning Department prior to any redevelopment.
5. The Limited Use Overlay for this is that no duplex or multi-family will be built on this lot.

The MAPC find to rezone property from from “C-2” Downtown Fringe Commercial District to “RI-U” Residential District Limited Use Overlay; for .62 +/- acres of land. Motion was seconded by Mr. Jim Scurlock.

Roll Call Vote: 5-0, Aye’s: Jim Scurlock; David Handwork; Kevin Bailey; Jerry Reece; Jimmy Cooper

Absent: Mary Margaret Jackson and Dennis Zolper

Abstain: Jim Little

Conclusion:

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 19-12 a request to rezone property from “C-2” Downtown Fringe Commercial District to “RI-U” Residential District Limited Use Overlay; the following conditions are recommended:

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 Planning Department, prior to any redevelopment of the property.
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4. A final site plan illustrating compliance with site requirements for the RU-1 Residential District shall be submitted to the Planning Department prior to any redevelopment.
5. The Limited Use Overlay for this is that no duplex or multi-family will be built on this lot.

Respectfully Submitted for City Council Consideration,
The Planning and Zoning Department

Sample Motion:

I move that we place Case: RZ-19-12 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from “C-2” Downtown Fringe Commercial District to “RI-U” Residential District Limited Use Overlay will be compatible and suitable with the zoning, uses, and character of the surrounding area.

PICTURES OF LOCATION

