



City of Jonesboro City Council
Staff Report – RZ 12-19: Greensboro Rd. May’s Rezoning
Huntington Building - 900 W. Monroe
For Consideration by the Council on November 20, 2012

- REQUEST:** To consider a rezoning of a parcel of land containing 6.33 acres more or less.
- PURPOSE:** A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to RM-4 L.U.O., Multi-Family Residential District
- APPLICANT/OWNER:** Harrell G. & Jenna Z. Mays, 1816 Ellen Dr., Jonesboro 72404
- LOCATION:** North side of Greensboro Rd., East of May’s Lane, between 1824 & 1908 Greensboro Rd. (Wimberly Subdivision)
- SITE DESCRIPTION:** Tract Size: Approx. +/- 6.33 acres, +/- 275,775.5 sq. ft.
 Frontage: 190.2 ft. +/- along Greensboro Rd.; 60 ft. frontage on Leigh Dr.
 Topography: Slightly sloping
 Existing Development: Vacant Land with possible access from Sunset Estates and Greensboro Rd.
- | | | |
|--------------------------------|----------------|--|
| SURROUNDING CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
| | North: R-1 | Vacant Single Family/Timber/Former Landfill |
| | South: R-1 | Single Family |
| | East: R-1A | Single Family |
| | West: R-1, R-3 | Single Family & S.F. Subsidized Rental Housing |
- HISTORY:** Note: Denied by MAPC on October 9, 2012; Reconsidered on November 13, 2012.
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Residence Transitional. Low density detached or attached housing and related compatible uses (excluding office, retail and industrial) that provide a transition between single family residential uses and other types of development, where such use will effectively terminate the spread of the higher intensity uses and conserve the adjacent residential neighborhood.

Residence Transitional Category: Typically 1 and 2 story clustered single family, zero lot line, attached two and three family, and townhouse dwellings with scale, massing, average density, layout and specifications compatible with site constraints and character of surrounding single family residential development. The proposed rezoning is consistent with the land use map with the proposed rezoning if developed at 8 units per acre, as duplexes or triplex units.

Approval Criteria- Section 117-34- Amendments:

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

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (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;
- (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; and
- (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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Greensboro Road on the Master Street Plan which defines the road as a collector which has a proposed right of way totaling 80 ft. The survey’s plat submitted shows a right of way ranging from 20 ft. to 25 ft. +/- . The balance of the required 40 ft. from the centerline should be demonstrated. The property also fronts on a stub street in the rear Southwest corner: Leigh Drive.

Zoning Code Compliance Review:

The applicant originally requested a change in zoning to a RM-8 Multi-Family Residential District (See Record of Proceedings Below). The conceptual layout of the site is unknown at this point; no developer nor marketed product has been determined to our knowledge. Alternative ingress and egress should be considered for any future development of the subject site with coordinated access to the stub street on the southwest- Leigh Drive.

In reviewing the planning area of the immediate subject site, staff observed a number of low density apartments sparsely situated west of the subject site. The abutting R-1A district, which was intended for higher density single family residential, was recently developed for subsidized single family homes. Woodridge Place Subdivision is located west of the project site, which was zoned R-3 Multi-family, but was developed having single family homes. The vacant area east of that site and northwest of the subject site currently is zoned R-3 also, having the potential of 135 multi-family apartments as of right under the R-3 District standards (see vicinity/zoning map).

Staff has concerns that the needed infrastructural improvements in the area should be addressed such as road improvements to Greensboro Road, given the anticipated growth of this area, which will serve the ASU campus as well as the new NEA Baptist Memorial Hospital. Smaller lot single family developments are proving to be in demand in this area and have progressed well as of recent. Greensboro Road is proposed as a collector road on the Master Street Plan, but from the photographs, it is obvious that street improvements need to be prioritized in the future to offset anticipated city growth within the northwest sector.

RM-4 Zoning District Requirements:

Requires 10,890 s.f. per unit= Gross units permitted: **25 apartment units under the 6.33 acres.**

Front Setback: 20 ft.

Side: 7.5 ft.

Rear: 15 ft.

-Multi-family Structures over one story or 15ft in height shall have an additional 8-ft. side and rear setback for every additional story or 15ft. in building height.

Parking required formula: 1.75 spaces per 1-bedroom units; 2.25 spaces per 2-bedroom units.

Under the current R-1 Single Family District, it should be noted that the gross density of the subject site would accommodate approximately 34 homes/single family lots.

Buffering/Screening:

All parking areas shall be screened or buffered. All dumpster locations shall be properly shielded per Section 117-326 of the Jonesboro Code of Ordinances. Perimeter privacy fencing or solid landscaped buffering should be considered to minimize impact on abutting single family residences. Exterior lighting shall be designed to minimize light spilling onto surrounding properties.

Department/Agency	Reports/ Comments	Status
Engineering	Pending	No comments to date
Streets/Sanitation	Pending	No comments to date
Police	Expressed concerns regarding ingress	10/1/12

	and egress to the area for public safety. Also stated concerns regarding the ability of the existing road infrastructure to handle increased traffic; expressed the same concern for this property as others regarding those properties that have requested to rezone from single family to multi-family. The primary concern is that we do not have a plan in place by the City nor the existing resources to handle the increased public safety demands caused by the addition of multi-family housing.	
Fire Department	Pending	No comments to date
Utility Companies	Pending	No comments to date

MAPC RECORD OF PROCEEDINGS:

Public Hearing No. 1: Held Tuesday, October 9, 2012:

Applicant:

Mr. Harold Mays presented the case to the MAPC, requesting a rezoning from R-1 to RM-8 for multi-family housing. There are a many multi-family rentals in the area. Noted that neighbor contacts were made: Mr. Savors on SW corner, Mr. Gibson SE corner (now opposed), Mrs. Mildred Holt to the west, Mrs. Mary James Frazier. (opposed), Mr. James Holt all noted objections to the change, Dan Turner (no objections), Mike Ellis (Rich Smith Development Co. in Little Rock built Sunset, but couldn't speak for the current owner). Mr. Mays continued: The property on the north side in 1950 was the City dump. Noted that he doesn't think it will be developed because of the gas. Buyers lose interests of the property being R-1 because of the uses around it. The engineer put a note that it might accommodate 50 units. He stated that he can't see how they would do it. He anticipates that it will only accommodate 15 or 16 duplexes; which would be stretching it to meet the code requirements of the City.

Staff:

Mr. Spriggs gave Staff Comments: Described the conditions of Greensboro Road. The subject site is served by Greensboro Road on the Master Street Plan which defines the road as a collector which has a proposed right of way totaling 80 ft. The survey's plat submitted shows a right of way ranging from 20 ft. to 25 ft. +/- . The balance of the required 40 ft. from the centerline should be demonstrated. The property also fronts on a stub street in the rear Southwest corner: Leigh Drive.

Mr. Spriggs read reports: Police Chief Mike Yates expressed concerns regarding ingress and egress to the area for public safety. Also stated concerns regarding the ability of the existing road infrastructure to handle increased traffic; expressed the same concern for this property as others regarding those properties that have requested to rezone from single family to multi-family. The primary concern is that we do not have a plan in place by the City nor the existing resources to handle the increased public safety demands caused by the addition of multi-family housing.

Mr. Spriggs added: The City Engineer, Craig Light requested that the number of units be limited to 25 units maximum to limit the load on the road infrastructure.

Mr. Spriggs: The applicant is requesting a change in zoning to a RM-8 Multi-Family Residential District. The conceptual layout of the site is unknown at this point; no developer nor marketed product has been determined to our knowledge. Alternative ingress and egress should be considered for any future development of the subject site with coordinated access to the stub street on the southwest- Leigh Drive.

Mr. Spriggs: In reviewing the planning area of the immediate subject site, staff observed a number of low density apartments sparsely situated west of the subject site. The abutting R-1A district, which was intended for higher density single family residential, was recently developed for subsidized single family homes. Woodridge Place Subdivision is located west of the project site, which was zoned R-3 Multi-family, but was developed having single family homes. The vacant area east of that site and northwest of the subject site currently is zoned R-3 also, having the potential of 135 multi-family apartments as of right under the R-3 District standards (see vicinity/zoning map). Staff expressed concerns that the needed infrastructural improvements in the area should be addressed such as road improvements to Greensboro Road, given the anticipated growth of this area, which will serve the ASU campus as well as the new NEA Baptist Memorial Hospital. Smaller lot single family developments are proving to be in demand in this area and have progressed well as of recent. Greensboro Road is proposed as a collector road on the Master Street Plan, but from the photographs, it is obvious that street improvements need to be prioritized in the future to offset anticipated city growth within the northwest sector.

A letter is in the case file from Sunset Estate, objecting to the case with concerns over multi-family being next to their residents.

Mr. Spriggs: The property is recommended for residence transitional on the Land Use Plan and is consistent. The stipulation of the RM-8 and parking requirements were listed as noted in the staff report. The Parking required formula: 1.75 spaces per 1-bedroom units; 2.25 spaces per 2-bedroom units.

Under the current R-1 Single Family District, it should be noted that the gross density of the subject site would accommodate approximately 34 homes/single family lots.

The conditions of any possible approval by the MAPC were read:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the gross density shall not exceed 8 units per acre with a maximum of 24 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.33 acres as RM-4 L.U.O.
4. The applicant agrees to comply with the Master Street Plan recommendations for the Greensboro Rd. right-of-way.
5. Fencing details depicting screening shall be implemented along the entire perimeter of the proposed site as approved by the MAPC.
6. A lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties.

Mr. Scurlock asked that since different recommended maximum numbers of units were reported, and it seems the 50 requested units are off the table- What is the ideal number of units?

Mr. Spriggs clarified and stated that staff is in concurrence that Greensboro cannot support high density. He added that 25 to 30 units does not seem unreasonable. The owner will have to agree to that number.

Mr. Tomlinson: Stated that after he looked at the property, it doesn't look like it will support 50 units.

Mr. Mays: Stated that he has no problem with cutting down the number of units.

Public Input:

Eric Gibson, 1908 Greensboro Road: Originally he noted that he approved, but after looking it over he changed his mind. Noted concerns over traffic.

Mrs. Mary James Frazier, Stated she directly across from Erick Gibson on 12.5 acres, stated that this would devalue her property. She is concerned about the traffic. She has lived there 40 years; and she is opposed to this.

Mr. Hoelscher asked for the R-1 Density calculation? Mr. Spriggs stated 34 single family homes are permitted as of right under the existing R-1 Zoning.

Mr. Scurlock stated that the main thing here is the issue of the maximum density. Mr. Spriggs stated that the RM could be lowered to an RM-4 for 24 units.

Mr. Mays stated that his engineer estimated about 15 or 16 duplexes (32 units). It's been up for sale for 3 years. Under the R-1 single family, building spec housing and selling one in that neighborhood is almost impossible from past experience.

Mr. Spriggs: We do have other options such as RM-4 that could limit it to 24 units, if the applicant is agreeable. This could be done as a limited use overlay.

Mr. Scurlock made a motion to consider Case: RZ-12-19, for recommendation to City Council for a rezoning from R-1 to "RM-4", Duplexes (Max. 24 units), L.U.O. subject to the six (6) conditions as read. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area.

Commission Action:

A motion was made by Jim Scurlock, seconded by Paul Hoelscher, that this matter be approved. The measure failed by the following vote.

Public Hearing No. 2: Held Tuesday, November 13, 2012:

Mr. Joe Tomlinson made a motion to reconsider rezoning Case RZ 12-19: Greensboro Rd. May' Rezoning for property located North side of Greensboro Rd., East of May's Lane, between 1824 & 1908 Greensboro Rd. (Wimberly Subdivision). (The case was denied on October 9, 2012 with a lack of the minimum required affirmative votes). The Motion was seconded by Ms. Kim Elmore. Motion carried unanimously.

Mr. Skip Mooney, Attorney for Mr. Mays thanked the commission for the reconsideration. Mr. Mooney stated that he was at the last meeting and was surprised with the outcome. He had not been out to see the property until he was hired and looked at it. Up visiting and examining the matter, it was clear that the highest and best use is not R-1 single family for these reasons: It is next to the old City dump which not any persons will want to build next to it, because of the fear of gases. This makes this property a condemned R-1 piece of property. One of the considerations needs to be if it meets the general requirements of the City plans and codes and of the Planning Staff, then the person that owns it should be able to zone it and use it at its highest and best use. It has been sitting there vacant for years. The Street in the subdivision out there is named after the Mays and it is rental property within the subdivision. This current R-1 Single Family Zoned property will accommodate more housing units than what we are asking.

Mr. Mooney added that the property was requested originally for RM-8 to accommodate 50 units, and his agreed to reduce it to RM-4 for 24 units only. This seems reasonable. The road is curvy and narrow. He has had several people looking at the property and they will not and they do not want it because it's zoned R-1 Single Family. Mr. Mooney requested MAPC's approval.

Public Input:

Daniel Turner, 1827 Greensboro Rd., Voiced the same concerns of his neighbors on the increased traffic and noise. Mr. Turner stated his concerns regarding the quality of the road in front of his house, which is without sidewalks. They get a lot of foot traffic from the May's Subdivision; it's not safe. Foot traffic will not be accommodated . Mr. Turner also stated concerns about property value going down.

Mr. Spriggs gave further information on the neighbors and persons that voiced opposition from the last meeting. The commission was copied on a letter by Ms. Mary Jane Frazier who could not be in attendance:

Ms. Mary Jane Frazier: I am writing this letter to voice my opposition to the rezoning of the property located on the north side of Greensboro Road, East of May's Lane, between 1824 and 1908 Greensboro Road (Wimberly Subdivision). I believe that rezoning this property to 'RM-4' from 'R-1' will result an increase of noise to this neighborhood, increased traffic, and lowering of the value of surrounding residential properties. Due to my work schedule I am not able to attend the meeting to personally voice my strong opposition to this proposal. I would greatly appreciate the attention of the MAPC to this letter.

Mr. Hoelscher asked about the process for notification of the reconsideration hearing. Mr. Spriggs noted that courtesy letters were mailed to all parties that appeared and testified in opposition during the first public hearing. Staff also published a public notice of the reconsideration request as well.

Mr. Ron Kelton asked Mr. Turner if he was aware that this proposal will yield fewer units. Mr. Turner stated no. Mr. Kelton asked for a summary of the previous motion and the roll call vote. Mr. Spriggs read the conditions:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the gross density shall not exceed 4 units per acre with a maximum of 24 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.33 acres as RM-4 L.U.O.
4. The applicant agrees to comply with the Master Street Plan recommendations for the Greensboro Rd. right-of-way.
5. Fencing details depicting screening shall be implemented along the entire perimeter of the proposed site as approved by the MAPC.
6. A lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties.

On October 9, 2012, a motion was made by Jim Scurlock, seconded by Paul Hoelscher, that this matter be approved. The measure failed by the following vote:

Aye: 4 - Paul Hoelscher; Jim Scurlock; Kim Elmore; Ron Kelton (Acting Chair)

Nay: 3 - Joe Tomlinson; Brian Dover and Jerry Reece; **Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

Motion failed to pass lacking the minimum of 5 affirmative votes on October 9, 2012.

Mr. Tomlinson voiced his apology for mistakenly voting nay, when intended to vote yes on the matter. He apologized to the Planning Commission the Applicant, as well as the persons that spoke from the public.

The final motion was made by Mr. Kelton made a motion to reinstate the original motion to approve and recommend to City Council. Motion was seconded by Ms. Kim Elmore.

Ayes: 5 - Paul Hoelscher; Joe Tomlinson; Kim Elmore; Ron Kelton, Lonnie Roberts Jr. (Chair voted to pass the measure).

Nay: 3 -; and Jerry Reece; **Absent:** 3 - Jim Scurlock and Beverly Nix; Brian Dover (left meeting early).

Case was approved by a 5-3 vote.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Harrell G. & Jenna Z. Mays should be evaluated based on the above observations and criteria, of Case RZ 12-19 noted above, a request to rezone property from “R-1” to “RM-4” Multi-Family Residential District L.U.O., 24 units. The following conditions apply:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the gross density shall not exceed 4 units per acre with a maximum of 24 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.33 acres as RM-4 L.U.O.
4. The applicant agrees to comply with the Master Street Plan recommendations for the Greensboro Rd. right-of-way.
5. Fencing details depicting screening shall be implemented along the entire perimeter of the proposed site as approved by the MAPC.
6. A lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View Sunset Estate property West of the site.



View looking East on Greensboro Road



View looking East on Greensboro Road- Site beyond on right



View looking East towards neighboring property to the West



View of subject property looking North



View looking West at neighboring property



View of Sunset Estates to the West of Site



View looking north easterly toward subject site from Leigh Dr. (Stub street in Sunset Estates)



View looking East towards subject property (rear of acreage).



View looking along the south along the western boundary, adjoining Sunset Estate from Leigh Dr.