

**City of Jonesboro City Council**  
**Staff Report – RZ07-49: Double Hill, LLC- PD-M District**  
**Huntington Building - 900 W. Monroe**  
**For Consideration by the MAPC on Tuesday, January 15, 2008**

**REQUEST:** To consider rezoning a parcel of property containing approximately (30.92) acres more or less.  
**PURPOSE:** A request for rezoning from R-1 Single Family Residential to Planned Development District (PD-M) Mixed Use as a retirement community, and make recommendation to the City Council  
**APPLICANT/** **Owner:** Double Hill, L.L.C, Ms. Connie Hill, 1420 Woodbury, Jonesboro, AR  
**LOCATION:** Northside of Peachtree Ave., b/t Bridger and Pebblewood Dr. North of Kara Dr.  
**SITE DESCRIPTION:** Tract Size: Approx. 1,346,901 sq. ft. (30.92 acres)  
Frontage: Approx. 934.96 ft. on Peachtree Ave.  
Topography: Undeveloped, terrain slopes in a southwest direction.  
Existing Dvlpmt: Vacant

<b>SURROUNDING</b>	<u>ZONE</u>	<u>LAND USE</u>
<b>CONDITIONS:</b>		
North:	R-1, R-3	Residential- Sage Meadows
South:	R-1	Residential Single Family
East:	R-1	Vacant Residential
West:	R-1	Residential Single Family

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Medium Density Residential. This designation includes all future residential uses that are more than three and maximum of ten units per net acre (R-2 Residential). This designation is outdated and is currently being evaluated by the Land Use committee. This site is highlighted as a residential recommended use.

Pertinent Zoning Ordinance sections include Section 14.20.04 “PD” Planned Development District Ordinance (See technical codes, Jonesboro Clerk’s Webpage).

**Approval Criteria- Section 14.44.05, (5a-g) - 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.

**METROPOLITAN AREA PLANNING COMMISSION:**

The MAPC held a public hearing on January 8, 2008 and offers the following recommendation of approval and record of proceedings:

RZ 08-49 Double Hill, LLC, Ms. Connie Hill requests rezoning for 30.9 acres located north of Peachtree Ave., between Bridger Road and Pebblewood Dr. from R-1 Single-family to Planned Development (PD) Mixed Use.

George Hamman came forward as proponent for this item. Stating he had prepared the boundary and application for this item.

Residents who came forward with concerns and questions were:

**Lucinda McDaniel**, Peachtree Ave. stated that she and her husband are not opponents to this but wanted some points cleared up. She stated that this property be developed exactly as the Staff has recommended that it be developed as an institutionalized retirement community as an elderly population with the conditions and the plan as presented. She lives immediately west of the parcel and stated concerns of providing a 30 ft. buffering and screening from the maintenance building (applicant agreed).

**Philip Wheat**, Kara Dr., commented on the type of proposed residents is not guaranteed elderly; and there is the possibility of bringing in relatives and cause increase of crime rate as an apartment complex. He works for the sheriff's office and had experience with this situation.

Mr. Halsey stated that there are strict rules such as those at St. Bernard's village, which has staff to keep this from happening.

**Ron Goad**, has property west on Peachtree across the creek. Stated concerns about the flooding issues; and the problems with the creek over flooding. There is no way to guarantee and control the use. Mr. Goad asked what district St. Bernards was rezoned.

City Planner, Otis Spriggs stated that it was a Planned Unit Development (PUD-MU).

George Hamman stated that he has proposed two detention ponds which will hold the water, which will be designed in great detail during the Final Development Plan

process. We are planning to use both ponds to over detain more than required because he is aware of the Bridger Creek problems that lead to Windsor Landing. They won't solve the whole problem which exists today, but will aid the City by doing more.

Mr. Spriggs stated that the Engineering Department has reviewed the plans and required the easements for drainage. All of such details have to come before MAPC before anything is built.

**David Blair**, spoke on street issues and traffic problems of Peachtree and areas around Bridger Rd. at Peachtree and it can't make City specs.

**John Ward**, has concern over the use and occupancy and management.

**Curtis Christenbury**, Peachtree Dr. and added that he wanted to state that he bought R-1 single family and wants it to remain that.

**Cindy Lewis**, East on Peachtree Dr. lives at a home on an acre plus lot. Had concerns for apartments.

In response to the problem with density Commissioner Gary Harpole stated the proposed retirement community actually reduces the density compared to traditional single-family subdivisions. As for traffic, the Land Use Advisory Committee as already designated Peachtree as an east-west corridor that would need to be widened. George Hamman stated the project owner will designate an additional 60' right of way for this purpose.

Owner Connie Hill plans to run the facility as a very controlled type elderly development. Plan to build a house and live out there and will control the tenants similar to St. Bernard Village. She was aware of the City's desire to improve the drainage problems in the area and use the property to help with that. She does not use the property was an apartment complex.

City Planner Otis Spriggs stated that the developers have presented this to City engineers and they are aware of the drainage problems in this area and have requested the drainage easement along the eastern side of this property with additional drainage easements over the project with the stipulation that no building be allowed in these areas. Also with the additional right of way of 30 feet for the street.

Mr. Spriggs gave the report from the Fire Marshal's office. Craig Davenport and Jason Wills reviewed the plans and had concerns over the east entrance medium and lane widths. Accessible routes to the rear buildings will have to meet the maximum 150ft. distance. Mr. Spriggs also commented on the 13 staff conditions and stated staff concern that a traffic impact analysis be performed by the applicant.

Mr. Tomlinson asked for more information on the definition of retirement and determining the population. Mrs. Hill stated that there is law that guides how you

can prevent housing discrimination. She stated her attorney is working on a policy to screen residents that would be as strict as federal housing laws would allow. She explained which areas are available for resale. The duplexes are never for sale, they are owned by the development and leased to the individual who meet the criteria that's being developed in the management contract by the Attorney. This will be built into the bill of assurance language.

Looking at ownership, Mr. Harpole asked can the city monitor this. Mr. Spriggs that that the City could request that the bill of assurance be placed on file at the City as part of this case.

Mr. Hamman questioned the requirement of the traffic study given that fact that a lot of the questions have been addressed such as the dedicated additional right of way. He requested that this requirement of a traffic study be waved- we have a lower density, and we will improve Peachtree at our own accord.

Mr. Spriggs insisted that the analysis need to be done to deal with the site visibility issues, traffic counts and other issues. He stated that the commission has deviated from this requirement that was done in the past on a number of developments. Mr. Harpole concurred and stated that it is needed to make sure that individual projects don't add to the problem and make it worse, and when capable help reduce some of the existing burden that is already out there. We have to planned for a point when we may have to widen Peachtree. This will help the City understand how many cars coming out and what that use will be like.

Chairman Beadles stated that this is for the rezoning only and that we will be looking at a site plan for this project at a later date. The developers will be required to present a site plan to the Metropolitan Area Planning Commission for approval. All these issues will be addressed at this time.

A motion was made by Commissioner Harpole to recommend approval to the City Council for rezoning with the stipulations stated and adding a 30' buffer to screen the maintenance building. Second by Commissioner Collins. The motion carried with the following vote:

Aye: 7 – Ms. Margaret Norris; Mr. Joe Tomlinson; Mr. Marvin Day; Mr. Lonnie Roberts; Mr. Jerry Halsey, Mr. Gary Harpole and Mr. Ken Collins.

Absent: 2 Dr. Ken Beadles and Mr. George Krennerich

#### **PROPOSAL:**

The applicant has proposed to use the property as a planned community, including retirement community, condominiums, single family homes, duplexes and a future assisted living facility. The first lower half of the property under ownership of the applicant lies within the city limits (30.92 acres). The rear portion (40.95 acres) will follow this same application process, once the Annexation procedures are undertaken.

A portion of this proposal includes the construction of two ponds/lakes with standing pools. The lake will be designed in such a manner to over-design or detain storm water runoff from the upstream basin. The purpose of this design is to assist the City of Jonesboro in alleviation of some of the current drainage situations along Bridger Creek.

Approximately 2.2 acres of land has been indicated on the Preliminary Plan as park area, to enhance the development and provide a specific area for traditional park activities. This coupled with the lakes will provide for the open space provisions of PD code regulations which mandates that public common land and open space should be an essential and major element of the plan. More detail on the park area development and timeliness of its phasing should be demonstrated to MAPC and Council.

#### **STAFF ANALYSIS & FINDINGS:**

The Land Use Advisory Committee has highlighted Peachtree as a future East/West arterial to provide connection and adequate road improvements to handle future development such as the proposed. As covered in an earlier meeting, the MAPC has stated concerns for roadway right of way considerations for possible road widening. The applicant has delineated additional right of way for dedication to achieve 60 ft. from the centerline of Peach Tree. This will be instrumental if and when Peach Tree is improved in the future.

Staff feels that road improvements are in order to provide upgrades to the existing Peachtree Ave. in which the subject property will front. Possible access improvements should be considered by the developer, to provide a possible turn lane(s) for this development which provides capacity for a large amount of elderly patrons. It would be in order for MAPC to recommend a traffic access management study of the applicant to satisfy *approval criteria (e)* (above) prior to the final development plan review process.

The internal streets within the development are proposed as 60 ft. public street right of ways with the exception of the internal streets serving the four-plexes of which the developer has requested a variation as allowed by the PD regulations

#### **Density:**

If the current 30.92 acres of land is developed as of right as a single family subdivision, the property could be developed with approximately 143 single family homes with a 15% net density reduction to provide for infrastructure and easements. At a multi-family density this could be 318 +/- units if it were rezoned to a district compatible with the old "R-2" Zoning District. If Phases 1 & II are developed as duplexes and four-plexes this leaves the developer with a maximum of 104 units, of which a single family and condominium product is illustrated on the plan which could potentially reduce that number of units by a large fraction for the 30.92 acreage.

Because this development has been presented as a Planned District (PD), Staff does not feel that the property if developed as planned (an institutionalized retirement community of an elderly population) will cause any detriment to the immediate neighborhood.

#### **CONCLUSION:**

The Planning Department staff finds that the requested zone change submitted by Double Hill, LLC. should be evaluated based on the above observations and criteria in making recommendation to the City Council. The preliminary development plan is consistent with the intent and purpose of the PD Ordinance. Staff feels the request to rezone property from R-1 to [PD- M: Planned District Mixed Use](#) would follow good land use design principles if all of the above concerns are addressed and stipulations below are met.

1. That a traffic analysis study be provided during the Final Development Plan review process. That the applicant/owner provides additional right of way to the North of the center line of Peachtree Ave. as recommended by the MAPC.
2. Single access drive shall be provided on the property complying with Code regulations.

3. That all phases and phasing plan schedule shall be approved by MAPC, and any major modification of the Planned Development shall necessitate re-submittal to MAPC.
4. The Subdivision Regulations and Process shall be completed and complied with by the applicant, with the exception of the PD provisions.
5. The gated entrance shall be designed and installed to meet fire safety code standards in such that emergency and/or municipal access is not hindered to protect the intent of public rights of ways and easements.
6. Trash storage and collection plan shall be addressed.
7. Detailed landscaping plan showing the spacing, size and specific types of landscaping material for all areas of the PD that are designated as common usable open space, plus the landscaping requirements. A detailed lighting and signage plan depicting photometric calculations at property boundary lines and a location and description of all proposed project signage.
8. Ownership of common open space in a PD-R and PD-RM shall be transferred by the developer to a legally established homeowners association. Common areas and park areas shall be maintained by the property owners association.
9. Landscaped median islands shall be irrigated and shall be maintained by the property owners association.
10. This approval specifically covers phases 1 & 2 and only the acreage within the City limits. Future phases shown on the plan shall be labeled for future development to be submitted for approval at a later date.
11. That any part of the planned development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
12. The final development plan shall be submitted within two- years after approval of the preliminary development plan, or the approval of the preliminary development plan will expire and the plan will be deemed null and void.
13. No Zoning Certificate shall be issued for any property in a PD District and no construction, except preliminary excavation, shall begin until a valid final development plan is in effect for that phase or property. The final development plan becomes valid upon approval by the Metropolitan Area Planning Commission.
14. That a 30 ft. buffer be implemented along the western property line to screen the maintenance building from the abutting residential.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP  
Planning & Zoning Director



# Site Photographs



AERIAL & ZONING MAP



View of the site looking west



View looking East along Peach Tree



View from the site looking toward the south





View from the site looking toward the south



View of the site looking toward the north