



*City of Jonesboro City Council
 Staff Report – RZ 11-04: Robert Rees
 Huntington Building - 900 W. Monroe
 For Consideration by the Council on March 15, 2011*

REQUEST: To consider a rezoning of a parcel of property containing approximately 30 acres more or less from R-1 Single Family to RM-16 High Density Multi-Family and make recommendation to City Council.

PURPOSE: A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as **RM-16**.

APPLICANT/ OWNER: Robert Rees, P.O. Box 2516, Jonesboro AR 72402

LOCATION: East side of Commerce Rd., between Moore Creek and Pacific Rd., North of Highland Dr. (Hwy. 18)

SITE DESCRIPTION: Tract Size: Approx. 30 +/- acres, 1,306,758 Sq. ft. +/-
 Frontage: Approx. 660.58 ft. along Commerce Dr.
 Topography: Flat
 Existing Dvlpmt: Vacant/Farmland

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: R-1/R-2	Residential/Farmland
	South: R-2/C-3	Residential/Commercial
	East: R-1/AG-1	Residential/Farmland
	West: AG-1/R-2	Residential/Farmland

HISTORY: None

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

Approval Criteria- Section 14.44.05, (5a-g)- Amendments:

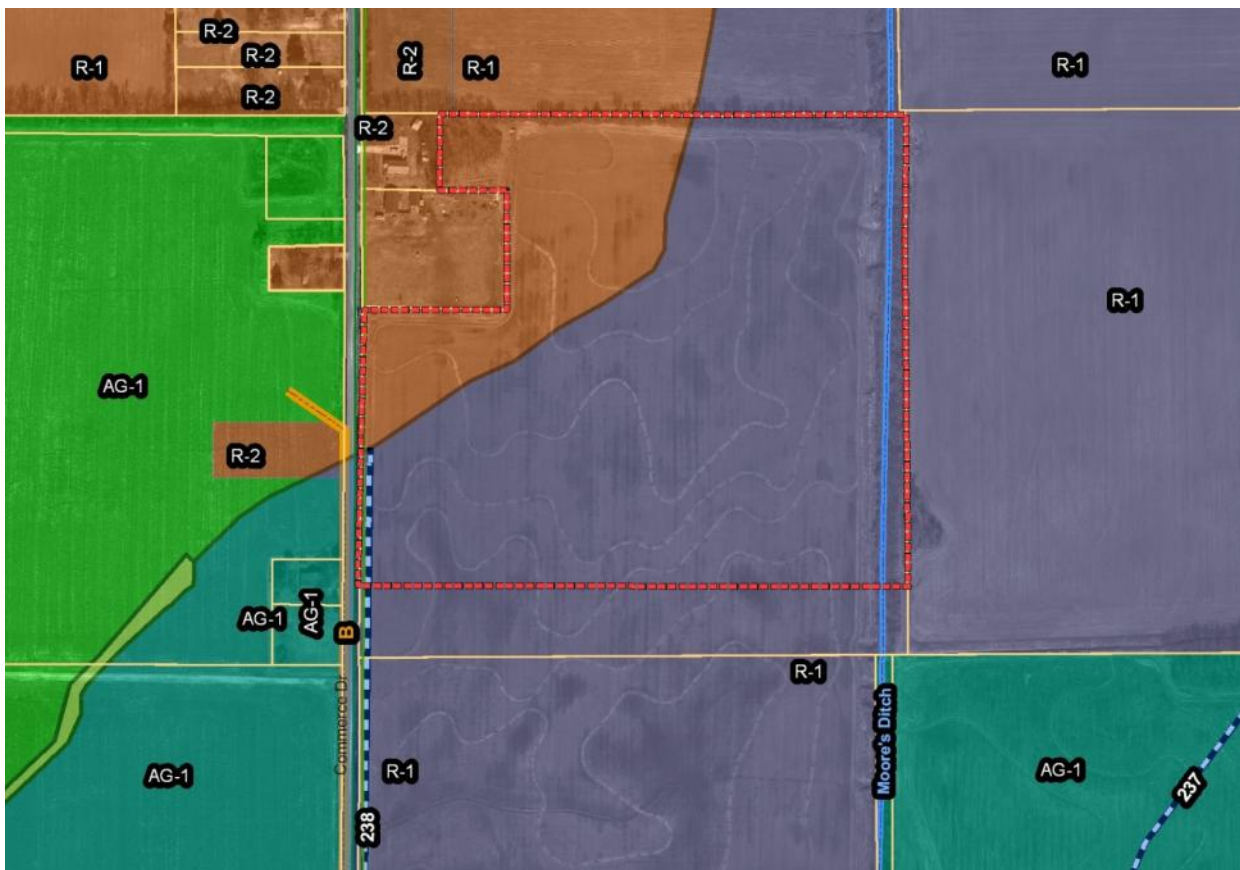
The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (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.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Southeast Sector and to be recommended as a Planned Mixed Use Area (PMUA). Which promotes mixed development commonly executed under the planned district process. The composition of the PMUA is minimum 10% commercial uses, and a maximum of 25% multi-family uses with single family as the balance.



Zoning/Vicinity Map

Master Street Plan

The property is located along Commerce Drive which is recommended as a Principal Arterial on the adopted Master Street Plan. The minimum right of way for a Principal Arterial is 120 ft. An 80 ft. right of way is denoted on the plan but is not labeled as dedicated.

MAPC Public Hearing- Record of Proceedings for March 8, 2011:

Applicant: Mr. Robert Rees appeared before the Commission stated that this site is off of Commerce Drive. Plans are for Commerce Dr. to be widened to 4 or 5 lanes extending to Farville. There should be good access. To the south is Silver Moon's Trailer Commercial operations and a water treatment facility. Across the street is a duplex apartment within the R-2 Zoning in the area. There is a CWL lift station 500 to 600 ft. of my property and we have to deal with getting sewer to the site.

Mr. Rees added that he has built units across from Hytrol on Hwy. 18, and the MAPC would be pleased the way we have maintained them. **Mr. Joe Tomlinson** asked if he had considered another classification for this proposal, such as a mixed use development? For example the recommended mix is 10% for commercial and 25% of multi-family as recommended by the Land Use Plan? **Mr. Rees** said, No. He is going to hold off Commerce Drive, 300 ft. along the frontage.

Mr. Tomlinson noted that he thinks it is too high of a density for that area. **Mr. Rees** noted that it would be less than what the people that were just before you will be getting. He added that this is a good buffer from the commercial and industrial. **Mr. Tomlinson:** I don't think it is a bad idea to have housing next to the Industrial Park; I just don't think it should be the high density as you have proposed.

Opposition: 7 Persons stood in opposition.

Jennifer Easley, 5910 Pacific Rd.: Made a correction on what Mr. Rees said: In terms of apartments, there is one duplex across the street. This R-2 rezoning came 20 years ago when we were annexed in. There was no way to voice our concerns. The R-2 is all single family except for that duplex. The majority of the land out there is R-1 Single Family and agriculture. The infrastructure is not able to hold what he is proposing. Yes, you want to put a 5-lane highway out there; that is 6 to 10 years from now. We have drainage problems; there is a floodplain in the neighborhood; where he is proposing 400-500 apartments. It is just not right for this neighborhood. There is a developer present that has been before you that has tried to get land in this area, rezoned for apartments which were denied by City Council. We were the last 75 houses turned on, in the last ice storm, a few years ago; 12 days without power. We complained about some road problems and the Mayor fixed that problem. We are a small neighborhood; not high density. The planned mixed use development says 25% multi-family for that entire neighborhood. **Mrs. Easley** expressed concerns about the approval criteria in the staff report regarding adverse impact and compatibility of the surrounding areas; we don't have any apartments in our neighborhood. Traffic concerns were noted. People are driving through just to get to work. We cannot connect to that pumping station that is for Prospect Rd. A precedent will be set tonight if this is approved. Stormwater concerns were expressed with the floodplain in the area. Please consider our issues out there before you make your decision to pass this on to the Council. We would love to see Mr. Rees develop just as single family houses.

Mr. Rees gave abuttal. Commented on the annexation and the R-2 zoning issue. **Mr. Roberts** noted that his parents have family there, who has noted that the area was annexed- in; you had so much time to contest the annexation, so that could have been done at that time. **Mr. Rees** stated that he will handle the water concerns in his drainage study later in the process. We will meet all requirements. We will bring the sewer in there.

Mr. Kelton asked about the 600 ft. frontage along Commerce. You said you will sit back 350 ft.; and that equates to 5 acres off the front, leaving you with 25 acres. The majority of that looks to

be in the floodplain. At a density of 16 units per acre that is filling up that whole area. **Mr. Rees:** I have been working on my subdivision across from Hytrol for 22 years. I plan to work on this for 10 years. Like the other gentleman- they built their units in 4 or 5 months and are renting the apartments. We will build about 35 apartments per year.

Mr. Tomlinson asked about the Master Street Plan and asked how much right-of-way do we have on Commerce Dr.

Mr. Craig Light: Commerce is a principal arterial with 120 ft. ROW recommended. The plat appears to go to the center of road and shows 40 ft. from center proposed, where 60 ft. is needed.

Mr. Spriggs asked Mr. Rees if he would be willing to donate the recommended 60 ft. from center, ROW? **Mr. Rees** stated that he would be willing to donate that right-of-way.

Staff Comments: **Mr. Spriggs** gave comments on the Land Use Plan recommendations for PMUA which suggests a Planned District; with the threshold suggestions of 25%/10% mixture of land uses. There should be some constraints under the Limited Use Overlay or a Planned District for a development this size. Staff is recommending that the density be lower to 12 units per acre until some of the infrastructure or corridor improvements are done.

Mr. Rees asked if anyone had an idea of the timing of the Commerce Dr. road improvements? **Chairman Halsey:** it is a funding availability question.

Leslie Warr, 5707 Pacific Rd. Stated that he owns 2 homes in the area. We've been to the City Council and we were assured that this is a planned mixed use, low density area. *Seven units per acre* were asked before and that was too much, and denied based on the drainage issues out there. Consider what was done in the past. This will change the landscape of what we have today. I live right on the corner; if that 5-lane road goes through, I'll lose 2 homes. We were assured that this will be a low density area. We don't have any problems with single family housing.

Larry McElroy, 1005 Commerce Drive. Noted he lives within 400 to 500ft. of where he's proposing to build the apartments. Stated he has the same issues as other people speaking on drainage. We are opposed to any multi-family between Highland Dr. and Pacific; it's all single family. I am not opposed to multi-family uses, because I have developed multi-family in the Eastern U.S. in the past. I have more experience in it than anyone in this room. Jonesboro is not selecting its areas as well as it could. There could be better planning done. Mr. Rees doesn't have a site plan, so he is not prepared to start construction right away. We don't know if he wants to build this or sell it. We had the same problems on Kathleen St. My backyard has mud puddles due to the drainage. We have drainage problems and we are on a septic tank. Mr. McElroy gave comments on the Land Use Plan. The Council needs to amend those percentages for certain areas. The main thoroughfare may be 3 to 5 lanes, to expand it to Johnson 3 to 5 years from now. We would have a terrible problem at Highland Dr. I've never built next to a single family district without buffers, berms and landscaping to shield the multi-family.

Mr. Rees: There are no apartments in that part of town. All the factories are out there. Where could you find a better location than anywhere?

Mr. Joe Tomlinson made motion that we make recommendation to City Council as RM-12, Multi-family, with the right of way of 60 ft. from centerline as agreed by owner having a 300 ft. setback; Motion was 2nd by Mr. Kelton.

Roll Call Vote: Mr. Hoelscher- Nay; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (5 to 1 vote)

Findings:

The proposed rezoning will result in existing R-1 Residential zoned property being zoned to RM-12. With the exception of a few properties sparsely zoned as R-2, this area is primarily agricultural with single family intermixed, but is primarily undeveloped with flood plain challenges.

This area will experience further growth if and when an eastern bypass or expansion of Commerce Drive is funded and constructed in the future. If rezoned at a density originally requested of 16 units, the gross number of unit could equate to 480 units absent any site infrastructure.

Staff would have preferred to see the site developed as a Planned District with some consideration for open space and common amenities do to the fact that is area is underserved by parks and recreational opportunities for the youth, due to proximity to the Industrial Park area.

Consideration for a limited use with a reduction in density should be considered by the MAPC. Absent much needed transportation improvements in the area, MAPC is advised to promote some controls on maximizing build out at a fast pace in this area. Once north/south connectivity is achieved in this area by future road improvement projects, Staff feels that growth is inevitable.

Conclusion:

The Planning Department Staff and MAPC recommend that requested Zone Change submitted by Robert Rees, be approved as RM-12, maximum 12 units per acre with the conditions below:

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 density shall not exceed 12 units per acre.
3. The owner agrees to dedicate the right of way of 60 ft. from centerline of Commerce Dr. and provide a 300 ft. setback along the frontage.
4. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 30 acres.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking Southeast along Commerce Dr.



View looking Southeast of the subject property.



View looking North along Commerce Dr.



View looking Northwest of existing duplex on Commerce Dr.



View looking North of subject property frontage and drainage ditch.



View looking North of subject property frontage and drainage ditch.



View looking Southwest of farmland and Thomas & Betts in foreground.



View Looking South along Commerce Rd. (CWL - installing new lines).