

City of Jonesboro City Council
Staff Report – RZ 12-17: 4501 Aggie Road
Huntington Building - 900 W. Monroe
For Consideration by the Council on September 18, 2012

REQUEST: To consider a rezoning of a parcel of land containing 37.86 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from R-1 Single to RS-8 Single Family Residence by the MAPC for 160 single family homes.

**OWNER/
APPLICANT:** Dr. Dean Tyrer, 2603 Brown’s Lane, Jonesboro, AR

LOCATION: 4501 Aggie Road, (South Side of Aggie, directly west of Prospect Farm Road (Subdivision). Directly east of Meadowview Trailer Park)).

**SITE
DESCRIPTION:** Tract Size: Approx. +/- 37.86 acres (1,649,070 sq. ft.)
 Frontage: 495.44’ ft. along Aggie Road.
 Topography: Flat
 Existing Development: 8-Bedroom Single Family Residence and pastured land.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	I-2	Airport/Railroad
East:	R-1	Residential
West:	R-2/R-1	Mobile Home Park/Single Residential

HISTORY: None.

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

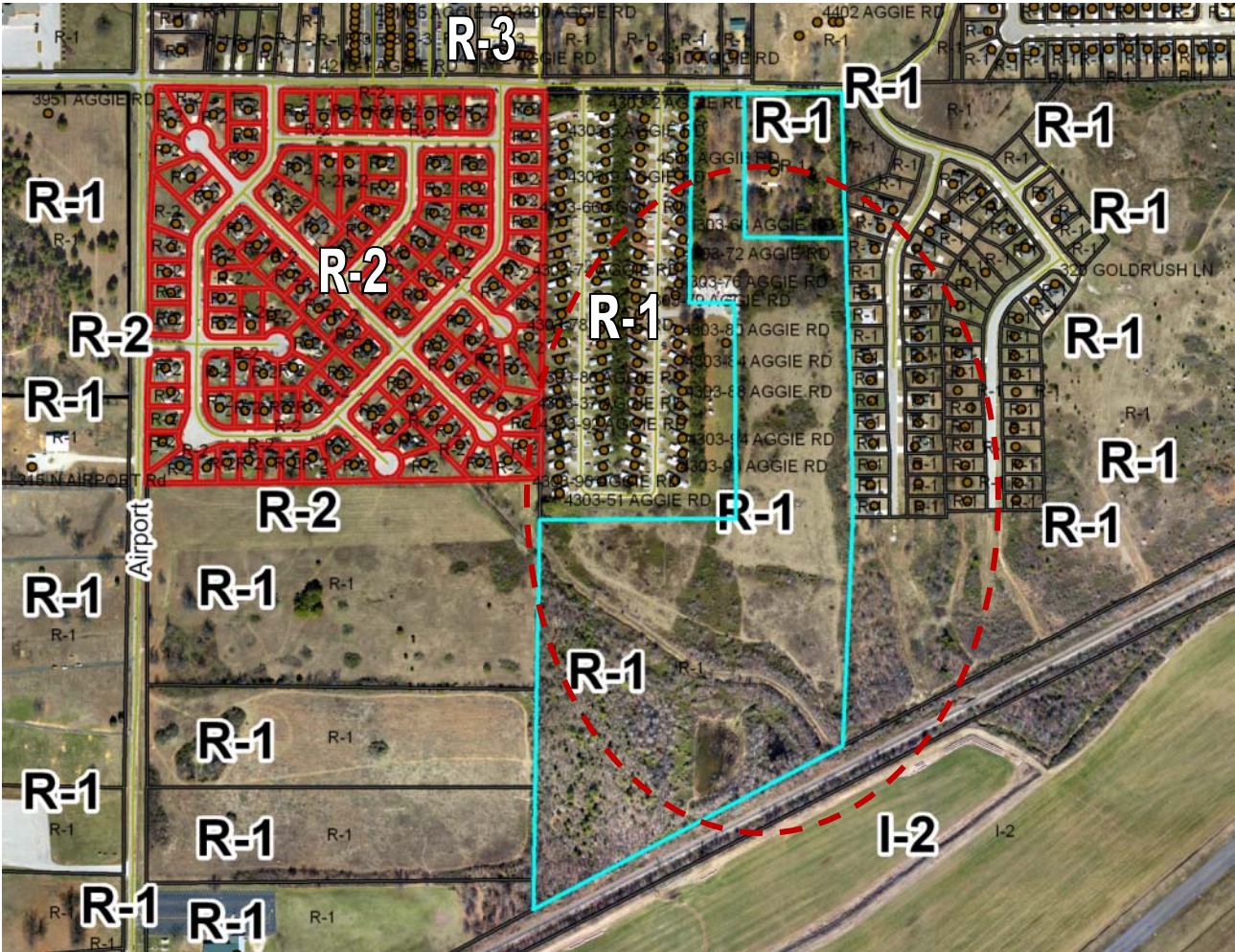
The Current/Future Land Use Map recommends this location as Single Family Residential. The proposed rezoning is consistent with the land use map as a single family development.

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 Aggie Road has a proposed right of way totaling 80 ft. (Collector Street min. 80’); The proposal is in compliance; applicant has proposed a 41’ right of way from the center line of street.

Zoning Code Compliance Review:

The applicant is requesting a change from single family R-1 to a RS-8 Single Family Zoning District. Current R-1 Single Family density is 5.4 units per acre, the applicant is proposing 8 units per acre gross density.

The applicant hopes to respond to the market needs for smaller affordable homes/lots to provide a transition between the mobile home park to the west and the Prospect Farms Subdivision to the east. The idea is to provide a single family unit/property that will require less maintenance. The railroad and airport to the south justifies the type of product being marketed, as well. The subdivision will be served by public road access and will have public sewer and utilities.

Buildable setbacks proposed are the following: 15 ft.- front-yard and rear-yard setbacks; and, 7.5' - side-yard setback. Lot width: 50 ft. RS-8—Single-family residential district minimum 5,445 sq. ft. lot size is required.

MAPC Record of Proceedings: Public Hearing held September 11, 2012

Applicant: Mr. George Hamman, Civilogic - presented the Case to MAPC and noted that he prepared the application on behalf of his client- Dr. Dean Tyrer. This request is for a district classification that has not been used much: RS-8. We are requesting 8 units per acre as Single Family homes.

Mr. Hamman made reference to the Staff Report and noted that Staff stated that the request is consistent with the City's Comprehensive Housing Study, which recommends policies to encourage affordable housing. This meets some of that need. Not everyone can afford an 8,200 sq. ft. lot with a 2,600 sq. ft. house on it. This is a single family alternative to that, with public street right of ways. The MAPC will see each phase of this twice. There will be a bill of assurance of the subdivision, which means that it will be maintained by one company and done in a uniform fashion. This also provides for a transitional zone. To the west of this is a Manufactured Home Park (has been there for about 25 years); to the east is standard R-1 single family and to the south is the railroad and the airport.

Staff: Mr. Spriggs gave the Staff summary of the report. The adjacent uses were discussed as noted. The issues of compatibility and density were discussed. The applicant is requesting RS-8 in which the 8 units per acre is a gross density calculation. The applicant has proposed a layout of 160 maximum lots; which equates to 4 +/- units per acre.

The Comprehensive Land Use Plan was reviewed and consistency is achieved as single family residential, which is recommended. The Master Street Plan requires a collector road designation and the applicant has concurred with the minimum right- of-way of 41-ft. from the centerline of street. All of the average lot restrictions and setbacks are complied with in terms of the RS-8.

Public Input/Opposition:

Mr. Todd Burton - 4303 Cypress Springs Rd. Spoke in opposition. Major concern that was voiced is the apartments denied on the Gosset property. This would exceed the Gosset proposal by 10 units, if you were to put that same thing. The trailer park has been there for 25 years and we have the apartments there that we are dealing with. In our community we are at our maximum, in terms of density. We are growing fast and little has been done to improve our infrastructure. This RS-8 District hasn't been used much and we are concerned. We understand the need to want a transitional

area, and maybe R-1 is not the answer to that, having a density of 8 units per acre, although it's been said to come down lower.

Mr. Burton continued: Density is a concern. A lot of people are out there (in audience) that want to develop land out there. They are waiting to see how this will turn out. We are concerned about what precedent is set. Mr. Burton spoke about increased crime in the area with the recent 5 - car break-ins on September 5th, and the Police Chief's comments about development and crime in the area. I am really glad to look at residential housing, but I and my neighbors are very concerned about that dense of a development. Question was raised: One company was mentioned to maintain the property - Will the houses be single family owned or rented out?

Mr. Hamman: The internet for the maintenance is to reduce the obligation of the owners; it mentions in the Bill of Assurance that it is not the owners that will be doing the maintenance but the property owners association.

Opposition: Attorney Joshua Roberts: Snowgrove Law Firm spoke on behalf of his client: B & J and P&G Land Co. Stated that Dr. Tyrer's desire to develop this property is admirable with Jonesboro's growth and need for affordable housing. However, in this case, P &G and P&J feels that there are three (3) factors under your staff analysis criteria and Staff Report that favor a denial Dr. Tyrer's proposal.

No.1: The compatibility of Dr. Tyrer's request. The current and active development to the east, Prospect Farm and Wildwood Subdivisions are R-1 Single Family. But, the density of RS-8 is too dense.

Mr. Roberts: In this area, the 60 ft. width is the norm; in fact, the R-2 subdivision to the west is single family as well. The RS-8 District will be incompatible with those minimums. Dr. Tyrer is not currently prevented from developing this parcel: He still can develop his property under the R-1 District. The RS-8 allows him to build more houses on the same parcel, which means more money or profit margin than R-1 restrictions would. This request is in competition with the people in the community that purchased their homes relying on the R-1 restrictions, and this is factored in the Zoning Criteria "D" and "E" in the report of the zoning criteria. Mr. Roberts cited a case in law in Arkansas, where a rezoning based solely on the peculiar interests and justification of making a parcel its most profitable status is not enough.

Applicant: Attorney Jim Lyons, representing Dr. Tyrer spoke in favor of the rezoning, citing the existing conditions as noted the trailer park to the west and the Comprehensive Housing Study of which we are consist with. If we are going to spend money on these studies, then we need to use them in the manner in which they were intended. This area is proposed to be used precisely for which it was supposed be used for. Mr. Lyons continued describing the uses surrounding: I-2 Industrial property to the south, with a railroad, and the trailer park property to the west. To say that this is incompatible is just simply incorrect.

Mr. Lyons: There is R-2 zoning is to the west. And if you recall that on September 11th, eleven (11) years ago, we had a measure to rezone this as trailer park property, at the meeting that was postponed and delayed 2 - weeks and MAPC returned and voted to recommend approval. (The case went to court).

Mr. Lyons: We are seeking to rezone this property to RS-8, which is compatible and consistent with the Jonesboro Housing Comprehensive Study. This is also consistent with what the planners and others are saying is a proper use for this property. There has to be a transition somewhere. It is not proper to jump directly from R-1 Single Family to I-2 Industrial or to a trailer park. So it is proper to

have a transition area which is exactly what we are seeking. These 37.8 acres at 5.4 units per acre could result in 204 lots under the R-1 Single Family District. Dr. Tyrer is only seeking 160 lots. Mr. Lyons: It simply is a fact of life that there is a need for this type of use. We understand that this is going to increase traffic, but traffic is occurring everywhere in Jonesboro simply by growth. That is not something that can be avoided. If everyone is going to say that we will stop growth, then we can attempt to do that. But that is not the role of the Planning Commission. And it will be improper, based on the zoning criteria and with the comments of the City Planner, to deny this request and not grant the RS-8.

Mr. Hoelscher addressed Mr. Lyons: There is a difference between the density of what is being offered and the graphic showing the lot layout- Is your client willing to live with a stipulation that would limit the number of lots? Mr. Lyons and his client concurred with the stipulation, noting that this is lower than what the maximum could be at with R-1.

Mr. Todd Burton: If it is going to a lower number of units, then why rezone it to the higher level? When you look at the land use plan, although it does follow it because it is residential; it doesn't really follow it with density in that area. Mr. Burton also commented on the rezoning mentioned by Mr. Lyons on the trailer park, the fact that the citizens of the area filed a law suit against the City that over turned the decision to rezone by Council and MAPC.

Mr. Hamman: Clarified: the density calculation was done by taking the net acreage and dividing it by the minimums with the 160 units being in compliance. There are quite a few lots that are larger than what are required of the Rs-8. This is an odd shape property and there is a question of geometry in fitting the houses in there. There are lots in that area which are narrower as well as some that area more wide. It becomes a question of the geometry to make it work from a density standpoint.

Mr. Spriggs gave comment on property circulation in terms of emergency response and alternative ways out. If the subdivision were to go forth, are there alternative access points, in terms of emergency and connectivity and stub streets.

Mr. Hamman: Gave a response on the layout which shows stub streets to the east and west. Mr. Hamman also noted the cross hatched lot to the north that will not be built on, and will be used for future accessibility to the Meadow's Trailer Park, which will provide another outlet out to Aggie Rd. He noted that they are in agreement to any stipulations on the connectivity. There are no trailers on the south end of the park.

Mr. Kelton: On the east side shown, Prospect Farm Rd. doesn't go down that far. Mr. Hamman: They own all the land to the railroad. Mr. Kelton expressed concerns with the 15 ft. rear yard setback. These houses will back up to the rear of the homes in Prospect Farm. It is awfully close.

Mr. Hamman noted that the houses will be closer to the front setback due to the long depth of the lots (131-146). They will have larger rear yards. Mr. Kelton spoke on homeowners taking pride and doing their lawns when he visited the site. He suggested code enforcement attention to a lot that had high weeds and grass.

Mr. Kelton suggested a stipulation to assure that the homes be set back further. Mr. Hamman agreed on Lots 131 -146 that the setback will be 25 ft.

Mr. Kelton further asked about the size of the detention pond - will it be that large. Mr. Hamman noted that it will be a dry pond and will be sized perhaps smaller when the engineering is done.

Mr. Hoelscher asked for any other Staff Departmental comments. Mr. Morris noted there no engineering comments. Mr. Spriggs summarized department request for review forms, noting all reports received from Engineering, Streets, Sanitation, Jets Transportation, Fire and Police noting that there were no comments on this petition.

Commission Action:

Motion was made by Mr. Kelton that to place Case: RZ-12-17 on the floor for consideration and for recommendation to City Council for a rezoning from “R-1 to “RS-8” L.U.O., Single Family Residential District, subject to the 1 Staff Condition. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area.

The following conditions were read.

1. A maximum of one hundred sixty (160) lots are to be developed.
2. The proposed development shall satisfy all requirements of the City of Jonesboro, Including the Planning Department, Engineering Department, including satisfaction of all requirements of the current Stormwater Drainage Design Manual, and Building Inspection Department, and shall be submitted to the Metropolitan Area Planning Commission and the City of Jonesboro for staff review and approval, as is prescribed by the traditional subdivision development process.
3. Extensions of streets within the development are to be developed so as to provide connectivity to the undeveloped land to the east and to the west.
4. A strip of land shall be reserved along the southern line of the Meadowview Manufactured Home Park that shall serve to provide connectivity, primarily for emergency access through the park at a later date.
5. That the rear yard setback shall be 25 ft. on Lots 131-146

Motion was seconded by Mr. Scurlock.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Hoelscher- Aye; Ms. Elmore- Aye; Ms. Nix- Aye; Mr. Kelton- Aye; Absent were: Mr. Dover; Mr. Tomlinson, Mr. Reece.

Motion passed with a 5-0 Vote.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Dr. Dean Tyrer should be evaluated based on the above observations and criteria, of Case RZ 12-17 noted above, a request to rezone property from “R-1” to “RS-8” Single Family Residential District. The MAPC and Staff feels that the petition should be approved by City Council and follows good land use principles and promotes provisions for affordable homes, which is recommended by the recent Jonesboro Housing Comprehensive Study, subject to the following conditions:

1. That subdivision development plans be submitted and reviewed by the MAPC prior to any future redevelopment of the site.

Respectfully Submitted for Council Consideration,

A handwritten signature in black ink, appearing to read "Otis T. Spriggs". The signature is written in a cursive, flowing style.

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking Southwesterly towards subject property



View looking East along Aggie Road



View looking West along Aggie Road



View looking South at subject property.



View looking Southwest towards property



View looking North from property



View looking West along Aggie Rd. Frontage



View From Site looking South



View from Site looking West



View looking north from site



View looking South From Site



View looking east from site



View looking southeast on site