

*City of Jonesboro Metropolitan Area Planning Commission*  
**Staff Report – RZ 12-20: 4306 & 4310 Aggie Rd.- No.2**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Commission on November 20, 2012*

**REQUEST:** To consider a rezoning of a parcel of land containing 6.2 acres more or less.

**PURPOSE:** A request to consider recommendation to Council for a rezoning from R-1 Single Family Residential to PD-RM Planned Development District- (48 Duplex Units- 32 1-BR/16 2-BR: 24 Duplex buildings).

**APPLICANT/ OWNER:** Skip Mooney Sr., Atty. for Owners/Applicants:  
James H. & Ina P. Gossett, 4306 East Aggie Rd. Jonesboro AR 72401

**LOCATION:** 4306 and 4310 Aggie Rd.(North side of Street), East of Airport Road, West of Paragould Dr.

**SITE DESCRIPTION:** Tract Size: Approx. +/- 6.2 acres, +/- 270,330 sq. ft.  
Frontage: 410 ft. +/- along Aggie.  
Topography: Slightly sloping  
Existing Development: Existing House

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Single Family
South:	R-1	Mobile Home Park
East:	R-1	Single Family
West:	R-3	Multi-Family/Apartments

**HISTORY:** Request for RM-8 Multi-family denied by the MAPC on June 12, 2012; case later appealed to Council and withdrawn on September 4, 2012; matter postponed indefinitely by Council.

**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 inconsistent with the land use map with the proposed multi-family.

**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 Aggie Rd. the Master Street Plan defines the road as a collector which has a right of way totaling 80 ft. (proposed right of way is shown on plat).

### **Zoning Code Compliance Review:**

The applicant is now requesting a change as a PD-RM Planned District. The property is surrounded by a varying housing stock, an apartment complex to immediate west and a mobile home park to the south, which is a non-conforming use situated just across Aggie Rd. from the subject site. Another non-conforming trailer

park is located northwest of the subject site.

If approved, the development will net 48 attached duplex units, including an onsite openspace park setting and buffering provided along property boundaries. Current R-1 Density will allow approximately 33 single family homes (66 potential vehicles) to be built under the gross density calculation (5.4 units per acre allowed under R-1). The applicant is proposing a PD-RM Planned District Development on the site with a single private driveway for access.

Chapter 117 of the Code of Ordinances lists specific standards for Planned District Developments such as the open space requirement of 20% (54,126 s.f.). The applicant has demonstrated compliance with such open space amenities as: play ground and park-like setting with park furniture and gazebos including a vast amount of interior landscaping. Each unit has 6'-0" privacy fence patio screening. A 40' radius bus turn-around is provided onsite.

**Parking Spaces required:** 1.75 spaces per 1-bedroom units (32 @ 56 spaces); 2.25 spaces per 2-bedroom units (16 @ 36 spaces); 92 required, 132 spaces provided.

**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.

### **MAPC RECORD OF PROCEEDINGS: MEETING OCTOBER 9, 2012**

Mr. Terry Bare, HKB, Inc., presented the case to the Commission. Gave the history of the former petition and appeal to Council. The owners were advised in good faith at the Council level that they should change the Zoning to a Planned Development to show that they would build duplexes and not apartment structures. Opponents commented that the plan did not require the builder to build what he said he would.

Mr. Bare: Noted the land use plan confusion that appeared to exist; stated proposal is consistent with the Land Use Plan. Mr. Bare read inserts from the Land Use Narrative concerning needs for plan amendments. He noted the hospital development in the Northeast and requirements for employees as well as the new fairgrounds. Mr. Bare spoke of a rumor of a Wal-Mart in that area.

Mr. Bare went on to discuss the Land Use Plan: It serves as a guide; a flexible and dynamic document. It is meant to change as the need comes about. Site constraints were also discussed. He added the developer is not building apartments as defined in the Zoning code, which is 3 or more units. We had to go under the multi-family designation, because there is not a duplex district.

Mr. Bare read references to education in the Land Use plan. He also read references to the value of property. The developer is proposing a plan to illustrate duplex single-bedrooms and two-bedroom dwelling units with open space public-use amenities, with a play ground for children.

Mr. Bare: The opponents are against multi-family. The housing is not designated as multi-family. Mr. Bare noted that he and his team reviewed surrounding subdivisions and determined that there are 150 rental properties in the area as single family (non-scientific study using City's GIS data).

Mr. Bare discussed the Master Street Plan: Airport Road is a minor arterial. The subject site is served by Aggie Rd which is defined in the Master Street Plan as a collector. The collector road is

designed to bring the traffic to the minor arterial; the minor arterial is to bring the traffic to its destination. It is by the City's designation a high volume street. Mr. Bare went on to discuss vehicular volumes. Single Family housing will likely generate 10 average trips per weekday; while apartments generate 7 average trips per weekday.

Developer Mr. Mike Watson, 315 Leslie Ann Drive appeared before the Commission:

Mr. Watson: Presented to the MAPC photographic views of the duplex units; showing no parking on Aggie Road, with all parking behind the units. He recognized that Mr. Mooney is passing out information on Vision 2030.

Mr. Watson: Unit details: There are 16 duplexes; 1- bedroom units at 810 sq. ft. and 8 duplexes, 2-bedroom units at 1,100 sq. ft. Two duplexes will be facing Aggie Rd. They are marketing the units to young professionals.

Mr. Watson quoted housing findings of which 20 to 30 percent of homes are rent homes; 42% is single family, and 54% is multi-family housing. Transitional residents will blend while having the mobile home there.

Mr. Watson added there are different zonings there such as a trailer park across the street in the area. There is mixed zoning and this meets the criteria as it relates to the land use plan.

Mr. Bare commented on the notation that this is spot zoning. There were 6 acres rezoned by David Abernathy in 1997. He described other uses in the area. Development as R-1 is not feasible.

**Staff:**

Mr. Spriggs presented staff comments from the report and gave the history. Where-by the request for RM-8 Multi-family was denied by the MAPC on June 12, 2012; the case was later appealed to Council and withdrawn on September 4, 2012; matter postponed indefinitely by Council.

Mr. Spriggs commented on the references made to the Land Use Plan. Consistency is not achieved as staff has determined it as single family. References to Vision 2030 were made as well, as were copied in a handout by the applicant. Mr. Spriggs stated that the MAPC and Staff are asked to refrain from references to Vision 2030 and/or the Jonesboro Housing Study until such time the documents are reviewed and adopted by Council.

Mr. Spriggs: The applicant is now requesting a change to a PD-RM Planned District. The property is surrounded by a varying housing stock, an apartment complex to immediate west and a mobile home park to the south, which is a non-conforming use situated just across Aggie Rd. from the subject site. Another non-conforming trailer park is located northwest of the subject site.

If approved, the development will net 48 attached duplex units, including an onsite openspace park setting and buffering provided along property boundaries. Current R-1 Single Family Density will allow approximately 33 single family homes to be built under the gross density calculation (5.4 units per acre allowed under R-1). The applicant is proposing a PD-RM Planned District Development on the site with a single private driveway for access.

Mr. Spriggs: Chapter 117 of the Code of Ordinances lists specific standards for Planned District Developments such as the open space requirement of 20% (54,126 s.f.). The applicant has demonstrated compliance with such open space amenities as: play ground and park-like setting with park furniture and gazebos including a vast amount of interior landscaping. Each unit has 6'-0" privacy fence patio screening. A 40' radius bus turn-around is provided onsite.

“PD-RM Planned Development District: The following conditions are suggested:

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 be limited to a maximum of 48 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.2 acres as PD- RM- Planned Development District.
4. The applicant agrees to comply with the Master Street Plan recommendations for Aggie Rd. right-of-ways.
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. Tomlinson commented on the site plan stating they are considered apartments and have been for over 28 years. Otherwise, we would have been building duplexes on single family lots all through the years.

Mr. Bare: They are designed to look like single family homes.

The Commission requested to see the latest Land Use Plan: Mr. Spriggs showed the plan which showed the color “yellow” which recommends the site as single family residence. January 2010 is the effective adoption.

Mr. Bare stated that the map shown is showing the zoning.

Mr. Tomlinson: Part of your justification from deviating from the land use plan is that the NEA Baptist Memorial Hospital is being built; that is one. The building of a hospital doesn’t mean that you can over-run your land use plan or your infrastructure, or your encroachment into single family housing. You can’t use the hospital as a justification.

Mr. Bare: The hospital has created a commercial boom in that area.

Mr. Hoelscher: The Land Use Plan isn’t documented the way they are zoned, but to recommend how they will be used. What you cited out the land use plan was the need for the City to amend the plan, but not rezoned a specific piece of property. It has been adopted for quite some times.

Mr. Bare stated the Land Use Plan was to be a flexible dynamic tool and the previous plan was used in a similar manner. There were many meetings where it was said it was not cast-in-stone. Mr. Bare asked that the City change the plan to a guide.

Mr. Scurlock: We let a rezoning go down the street. It was for 50 houses. Stated he would rather live next to this place than 1 house out of 50 on a 6 or 8 acre plot.

#### **Public Input:**

Mr. Todd Burton: Stated that he spoke with Mr. Tomlinson who also served on the Land Use Advisory Board when developing the map and plan. Stated that he has been fighting rezoning for his area for 15 years. Mr. Burton stated they have pulled out some amendments in the Land Use Plan that we worked on as a community. Multi-family was to be out on the thoroughfares, where you could transition from the major uses. No way didn't we say you would put 48 units in R-1;

there are apartments already there. We are building a school right down the road. The Land Use Plan is suppose to be used as a guide. We said the infrastructure would not support apartments.

Mr. Micky Bridger, Chairman of the Country Wood Subdivision: Stated that there were questions if the association existed and acknowledged that he is the chairman. He commented on the traffic and his incident of bottle neck traffic at 7 or 8 o'clock in one morning and 4 o'clock in the evening. Traffic cuts through our neighborhood. Mr. Bridger also commented that there is a difference in living as a home owner and an apartment renter.

Debbie Devault: Home owner request that MAPC not change the zoning: it will devalue her home. Stated that she is a homeowner and teacher.

Mark Holding: Cypress Run Subdivision: Expressed his opposition. Commented on the new hospital reference is Vision 2030 and passed out handouts concerning the crime analysis report from July. Between 2010 and 2011, it shows that there is an increase in crime in that area. Basia Combs, Jonesboro Police Department Crime Analyst gave substantial data that linked crime to multi-family apartments.

Mr. Holding commented on the traffic issue and made reference to traffic counts from a 2010 study commissioned by the City. Aggie Road is a collector and it is design for 5,100 cars a day by the definition. In 2008 there were already 5,600 cars on Aggie Rd. per day. They estimated that it would increase by 211 cars per day, per year; which would be over 6,200 cars per day on the road.

Mr. Holding further commented on the congestion and the impact of the building of a school at Airport and Aggie Rd. He asked the MAPC to stand behind its original decision.

Mrs. Jerry McGough, 3700 Aggie Rd.: Stated that she owns 3 properties on Aggie Road and she agreed with all of what has been said by the people. She referred to her letter previously submitted. She has lived there for 45 years. The traffic is a problem and with the new middle school being build across the street. Drugs and crime is a problem as stated. Adding more density will only add more to that crime.

Ms. McGough asked for consideration of the existing road conditions, and voiced her opposition and referred to her case from last year that was denied.

Denise Campbell, 4318 Aggie Rd.: She lives next to the Gossetts, her dad and brother lives there and all are upset and opposed to this.

Dallas Spears, 4314 Aggie Road: Son of James Spears: He is taking care of his parents at 4314 Aggie. They are opposed to any new additions. Stated that it is cramped up; it will kill the value of his property.

Dawn Smith, 336 Country Wood Estates: Stated that her parents are the owners of this property. It has been for sale and no one wants this property. Spoke on property values, crime and traffic. Referred to the apartments across the street which have not caused adverse impact on the value of the homes. Ms. Smith referred to the traffic and her neighborhood being used as a cut-through. Stated that Mr. Bridger is not a spokesperson for the neighborhood. Stated that we have all lived in an apartment at some time in our lives and it didn't make us drug dealers nor criminals.

Ms. Gossett: Stated that they have lived there at 4306 Aggie Rd. for 36 years. She noted that the trailer park was there a long time ago when they moved there; and the apartments have never caused them any problems. She noted that her husband is stressed and also a war veteran who served in

both the Korean and Vietnam war. Ms. Gossett stated that they need a handicap facility home. They bought property in Ridge Run and are planning to build a home there. She has no ill-will against her neighbors and respect the speakers. She added: Thirty six years ago, the road was gravel and the neighbors and her family paid to pave the road. She ended statement that she only wants a chance of getting what their property is worth by rezoning it.

Terry Bare: Referred to the information presented earlier, taken from the Land Use Plan. Mr. Bare stated that he has worked with and provided information to the MAPC for 39 years and has never presented false information. The school is being built because there is a need. Further explained that what he has seen is that the people that live in this area don't like change, unless it looks like what they live in. Encouraged everyone to look at the property and what is surrounding it along with the history. Stated that he is trying to provide the best information that is available today. No one goes before the Chamber of Commerce and say stop bringing new industry, because the traffic is killing us. They are saying bring more. This developer is trying to provide quality living in that area.

Mr. Tomlinson: Commented that he has a problem with the increased density given the existing infrastructure.

A motion was made by Mr. Jim Scurlock to accept the proposal as stated with the stipulations of City Staff, seconded by Ms. Kim Elmore that this matter be recommended to Council. The motion failed by the following vote.

**Aye:** 2 - Jim Scurlock and Kim Elmore

**Nay:** 5 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director



# Site Photographs



View looking West along subject property.



View looking East towards Paragould Dr. subject property to the left.





View of subject property.



View of property South of subject site (trailer park).





View of subject property rear yard.



View looking North of subject property (rear acreage).





View looking West of subject property (rear acreage).



View looking South towards the trailer park Intersection of Airport Rd. & Prospect Rd.