



City of Jonesboro City Council
Staff Report – RZ 12-09: 4306 & 4310 Aggie Rd.
Huntington Building - 900 W. Monroe
For Consideration for Appeal by the Council August 7, 2012

- REQUEST:** To consider an appeal to Council of a denial recommendation by the MAPC of a rezoning of a parcel of land containing 6.2 acres more or less.
- PURPOSE:** A request to consider an appeal of a denial by the MAPC of a rezoning from R-1 Single Family Residential to RM-8 Multi-Family Residential District (48 Apartment Units 32 1-BR/16 2-BR- 24 Duplexes).
- 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
- | SURROUNDING
CONDITIONS: | <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:** 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 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

MAPC RECORD OF PROCEEDINGS: Public Hearing 6/12/2012:

Applicant:

Skip Mooney, Sr.- Attorney for James H. & Ina P. Gossett presented the case to the MAPC for approval of a rezoning of 6.2 acres located at 4306 & 4310 Aggie Rd. from R-1 Single Family to RM-8 Multi-Family for 24 duplexes.

Mr. Skip Mooney stated that he would like to speak for a minute about the only rezoning issue on the agenda. The property is owned by Mr. James Gossett, who is currently ill. The Gossetts have

arranged with Mike Watson to buy their home. The existing home is on 2 lots, having 6.2 acres located at 4306 and 4310 Aggie Road. One of our largest trailer parks is located across the street. Mr. Mike Watson has a substantial investment in that area to the west, and he plans to build 24 duplexes. There will be 32- one bedroom units, which is noted in the application, and the new hospital will have an open demand for housing in that area. Mr. Watson is here, and Mr. Terry Bare will all speak.

Mr. Mike Watson: Stated that he owns the adjacent property at 4204 - 4300 Aggie Rd. His property is on the west side of the project site. Mr. Skip Mooney has mention that we will build 48 units/ 24 duplexes with the majority of one bedroom to appeal to the young professional group. The one bedrooms will be 810 square feet and priced at \$750 - \$795 with all utilities paid. The units will have granite countertops and stainless steel appliances. The patios will be off of each unit. There will be 16 - 2 bedroom units, having 1,120 square feet to rent for \$950 per month, with all utilities and cable paid.

Mr. Watson: This site is approximately one to two miles from the new hospital. Mr. Watson noted that he has been able to monitor, and has had good luck with his clientele. Mr. Watson stated that he has 3 basketball coaches and 2 assistant coaches from ASU's volleyball team, and young professionals. The units will be brick and vinyl and will have split level plan on the 2 bedrooms.

Terry Bare (HKB Engineers): Stated that this is a concept and an idea, and not a defined plan for marketing to professionals, and maybe people with children. Noted that they have shown a bus turnaround to allow for safety of the children in that area. The existing house will remain and won't be changed for apartments.

Mr. Bare: Stated that opponents for change usually bring up traffic concerns. The City of Jonesboro has improved the curve in Aggie Rd. at Paragould Rd. to deal with the traffic to the north, with the 90 degree curve. As we all know, growth brings traffic problems. Single family homes can be rented as well. He further added that according to research, there is lacking in availability in the area for 1 bedrooms. The change in zoning is a good fit and will allow for orderly growth.

Mr. Bare: Stated that Mr. Watson has shown photos of his development. The opponents will bring up concerns about safety and crime. They pulled statistics for the last 6 months from his apartments and there were 2 calls - one was due to someone backing into a resident's automobile in which the alarm went off. He further stated that the other call was regarding visitors visiting a friend in the area.

Public Input:

Mr. Rick Wyatt, March Banks Estates: Pointed out the reasons for their opposition. Noted that this is a concept that we don't know what the final plan will be. Quoted March Banks Subdivision opposition with airport traffic. Also the new school will add to this traffic. This will decrease the property values. None of residences are for this. The annexation of this property and the trailer park is why it exists. He further stated that there are no rezonings for this area that have occurred recently for apartments. We voice opposition to this proposal.

Nicky Bridger, Chairman of the Country Wood Subdivision: The Aggie Road case is between a rock and hard place, because Ms. Gosset is a friend. She was against apartments across from her before when they tried to do this with another piece of land close to her. Mr. Watson keeps the apartments nice and clean. The police park right by the fence next door. We sit there on porch and counted 10 people that they stopped for speeding. When the school buses are running, the traffic is chaotic. The area can't stand anymore traffic. She added that they have 125 homes in their subdivision and they are all against it.

Mark Harding – Ridge Run Subdivision: He adjoins Paragould Road on the backside of this property; they declined the property on Prospect and Airport Road. The reason is that the cars that drive to work every day are already backing up traffic on Aggie Road, with the engineering needing to be re-worked. They are not opposed to change- sometime change is good. It is the five or ten years down the road that they are worried about. He added that he stands in alliance with his neighbors that the trailer park in the neighborhood is one of their biggest problems. He really does not think they can take any more than what is already there. This is an island surrounded by 4 narrow streets and we cannot handle more high density zoning. they do not know what the hospital will do to our area. There is opportunity for high density to occur out on the main corridor. He added that we need to talk about transition areas and we don't need to plot 48 more units in this area. He knows you can put 33 units in there, but that is a slower growth to adapt to the problems. He added that they are asking that MAPC would please decline this rezoning.

Todd Burton - Ridge Run Subdivision: Stated that the multi-family adjacent was annexed in. Where do you draw the line on these kinds of things? On the land to the right to the curve: They are opposed to the apartments. There are nice houses in the area. They have done a good job with this area and single family homes will continue to grow.

Mr. Watson: The property at 4204 Aggie Rd. was not grandfathered; it is zoned R3 by David Abernathy. Nicky Bridger stated that her problem with this is I understand the Gusset's have a large piece of property that they need to sale. Please apply a Limited Use Overlay. They are willing to adhere to those restrictions.

Mr. Tomlinson: These lots should be replatted into one lot. The existing house will remain there on the property. It will be use for mailbox and the placing of the dumpster. When pulling out of Paragould to Johnson, you take a chance- it is like suicidal to get back to the west. People try to avoid going that way.

Mr. Hoelscher: Observed that he felt that this request deviates from the plan for that area. Asked is this a major or minor detour from the plan.

Mr. Spriggs suggested that the MAPC would look at the plan towards future growth. Any deviations needs a legitimate reason for any deviation. He suggested that when doing that, spot zoning needs to be steered away from.

Ms. Nix asked if this were spot zoning? **Mr. Spriggs** stated that he doesn't feel that this is spot zoning. One reason is the discrepancy in the codes and ordinances on the definition of multi-family which is defined by a development having 3 or more family units. The other reason would be the types of uses surrounding the development noted.

Mr. Perry Smith (Nephew of the Gossett's): Yes, we opposed the apartments that were going on Aggie at Paragould. There was some deception by the applicant who said that they were only building homes.

Mr. Smith added that in the City Plan: Country wood was zoned R-2 and was zoned for duplexes. This property has very little value with R-1 Single Family. The most preferred use is what we have proposed.

Mr. Kelton: Asked that if this were approved, would this serve as a catalyst for someone to put on a radar that something needs to be done about the roads and traffic in that vicinity?
Mr. Spriggs agreed that it needs to be placed on the radar, but it will be determined by traffic volume and accident numbers. Growth will determine that.

Mr. Tomlinson: Airport Road and Aggie Rd. are a disaster. The City hasn't said anything will be done at that intersection. It should be a major intersection planned there.

Commission Action:

A motion was made by Mr. Kelton to place Case: RZ-12-09 on the floor for consideration and for recommendation to City Council for a rezoning from R-1 to "RM-8, L.U.O. " Multi-Family Residential District, L.U.O with staff's conditions. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area. Motion was seconded by Mr. Jim Scurlock.

Mr. Jim Scurlock: Stated that people should have the right to do what they want with their land. There is a difference in stacked apartments and what is planned here. No matter what has happened, there will be problems with the road. There are apartments there and they need to have green space and need daycares for the area. I'm going to vote to pass this with the Staff conditions.

Mr. Kelton: Stated he is voting no, but we have six acres here that we are actually condemning. He added that he is voting against it because of safety and traffic concerns. He further stated that Mr. Watson has done an excellent job on his other development.

Mr. Reece: Commended Mike Watson on his good work. Because of the Land Use Plan and the traffic we need to come up with a stopping point in that area with new proposals for more apartments.

Ms. Nix: agreed that she's heard only excellent things. Because of the land use plan- She is saying -No.

The motion FAILED by the following vote: Vote 6 to 1 to recommend Denial to City Council.

Aye: 1 - Jim Scurlock

Nay: 6 - Mr. Joe Tomlinson; Mr. Paul Hoelscher; Mr. Ron Kelton; Ms. Beverly Nix; Ms. Kim Elmore; Mr. Reece.

Absent: 1 - Brian Dover

Staff 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. (no right of way is shown on plat). This may reduce the proposed acreage by as much as... 3/4.... of an acre.

Zoning Code Compliance Review:

The applicant is requesting a change as a RM-8 Multi-Family Residential District and staff met with the applicant to evaluate various options for the petition. The property is surrounded by a varying housing stock, several apartment complexes in the immediate area and a large mobile home park to the South.

Low density was suggested and the rendering resembles a planned development. If approved, the development will net 48 attached apartments, includes an onsite openspace park setting and buffering will be 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. The applicant is proposing the RM-8 District on the site with a single private driveway for access.

Staff has discussed possible approaches to this development through either the Planned District Development Code or the Limited Use Overlay. This is highly recommended so that the MAPC and City Council can place necessary provisions on the development to assure the promised outcome.

RM-8 Zoning District

Requires 5,445 s.f. per unit= Gross units permitted: **49 apartment units**

Front Setback: 25 ft.

Side: 10 ft.

Rear: 20 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: 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.

Conclusion:

The MAPC finds that the requested Zone Change submitted by James and Ina Gossett, should be denied as noted above, of the request to rezone property from “R-1” to “RM-8” Multi-Family Residential District. The Case was recommended as denied by the MAPC.

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.