

City of Jonesboro City Council
Staff Report – RZ 17-26: 1110 Loberg Lane
Municipal Center - 300 S. Church St.
For Consideration by the City Council on October 17, 2017

REQUEST: To consider a rezoning of one tract of land containing 1.36 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 1.36 acres of land located at 1110 Loberg Lane from R-1 Single Family Residential to RM-8 LUO Multi-Family Residential

**APPLICANTS/
OWNER:** Mr. Chris Ishmael, 604 CR 464, Jonesboro, AR 72404

LOCATION: 1110 Loberg Lane, Jonesboro, AR

SITE DESCRIPTION: **Tract Size:** Approx. 1.36 Acres
STREET FRONTAGE: **Street Frontage:** 177 feet
Topography: Flat
Existing Development: Undeveloped

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	R-2 Low Density Multi-Family Residential District
South	R-2 Low Density Multi-Family Residential District
East	R-2 Low Density Multi-Family Residential District
West	R-1 Single Family Residential

HISTORY: Previously a single-family house. That house has been removed.

ZONING ANALYSIS

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

COMPREHENSIVE PLAN LAND USE MAP

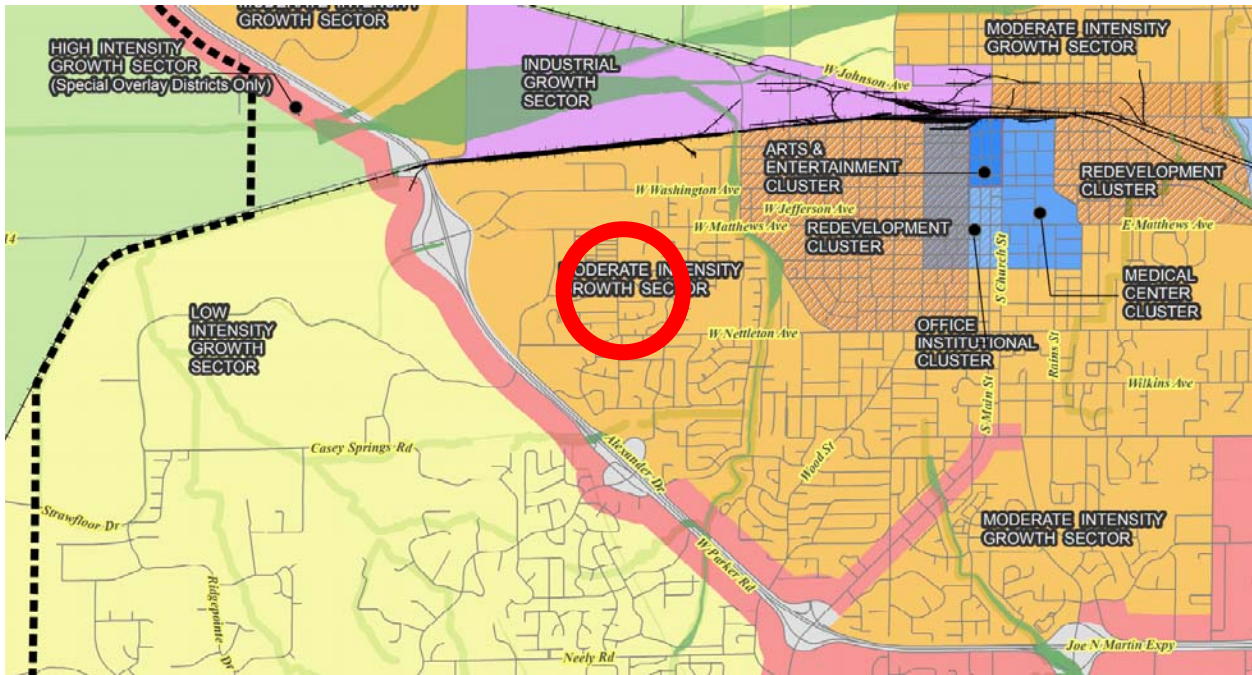
The Current Land Use Map recommends this location as a Moderate Intensity Growth Sector. A wide range of land uses are appropriate in the moderate intensity sectors. Control of traffic is probably the most important consideration in this sector. Good building design, use of quality construction materials, and more abundant landscaping are important considerations in what is approved, more so than the particular use. Limits on hours of operation, lighting standards, screening from residential uses, etc. may be appropriate. Consideration should be given to appropriate location of transit stops.

Typical Land Uses:

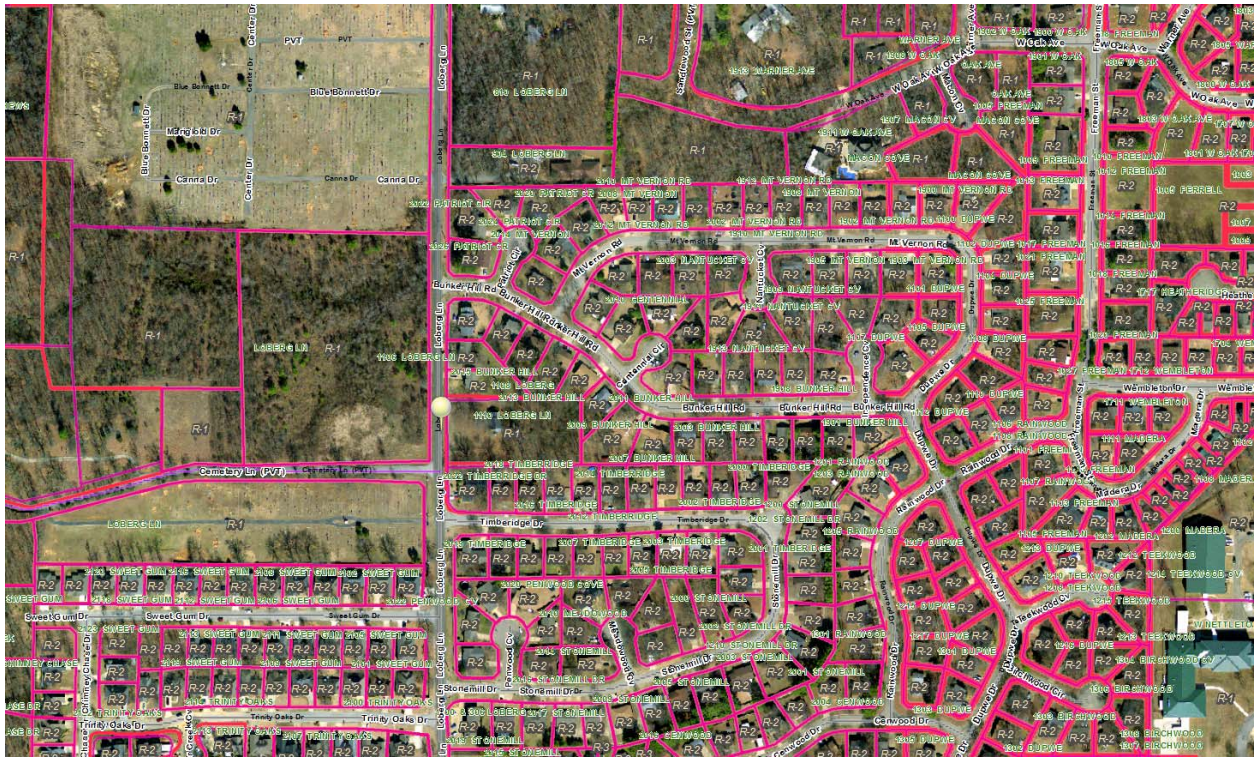
- Single Family Residential
- Attached Single Family, duplexes, triplexes and fourplexes
- Neighborhood retail, Neighborhood Services
- Office parks
- Smaller, medical offices
- Libraries, schools, and other public facilities
- Senior living centers/nursing homes, etc.
- Community-serving retail
- Small supermarket
- Convenience store
- Bank
- Barber/beauty shop
- Farmer's Market
- Pocket Park

MASTER STREET PLAN/TRANSPORTATION

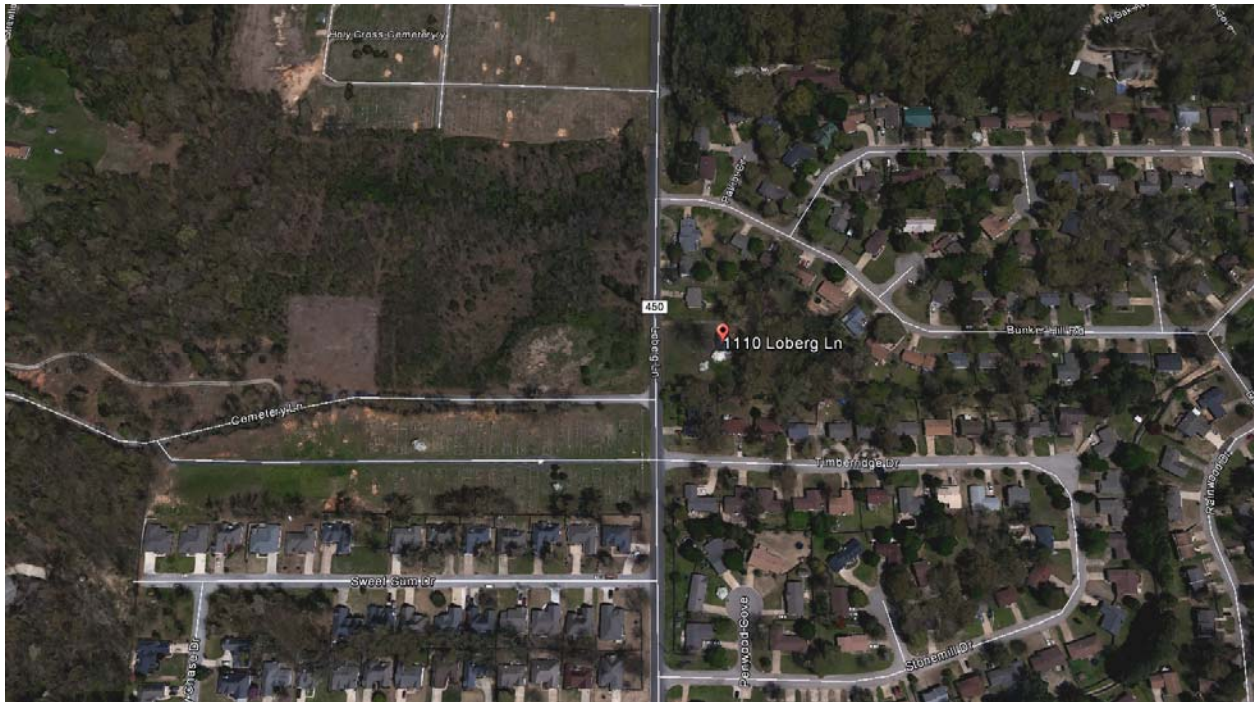
The subject site is served by Loberg Lane. The street right-of-ways must adhere to the Master Street Plan.



Adopted Land Use Map









Aerial/Zoning Map



Aerial View

APPROVAL CRITERIA- CHAPTER 117 – AMENDMENTS

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

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map.	This area is classified as a Moderate Intensity Growth Sector. No more than 8 dwelling units per acre are recommended for this sector. This proposed development is asking for RM-8.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	With the exception of R-1 zoning and cemeteries to the West and across the street, this area is surrounded by R-2 Low Density Multi-Family Residential Zoning.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	If the property was left as R-1, this lot could be developed as Single Family Residential.	
(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.	The development could cause an increase in traffic. Proper buffer controls should be used to shield the single-family housing from the multi-family development	
(f) 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.	Minimal impact if rezoned.	

STAFF FINDINGS

APPLICANT'S PURPOSE:

This parcel is surrounded on three sides by an R-2 subdivision. The owner desire to construct six duplex units on 1.36 acres. Because the Scenic Hills Subdivision is zoned R-2, any home in that subdivision could be replaced with a duplex.

Chapter 117 of the City Code of Ordinances defines RM-8 Multi-Family Residential:

RM-8 Multi-Family Residential: Residential multi-family classification; eight units per net acre, includes all forms of units, duplexes, triplexes, quads, and higher.

DEPARTMENTAL/AGENCY REVIEWS

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No objections to this rezoning to date.	
Streets/Sanitation	No objections to this rezoning to date.	
Police	No objections to this rezoning to date.	
Fire Department	No objections to this rezoning to date.	
MPO	No objections to this rezoning to date.	
Jets	No objections to this rezoning to date.	
Utility Companies	No objections to this rezoning to date.	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON OCTOBER 10, 2017

APPLICANT: Mr. George Hamman pointed out the requested needed to be untabled before they proceeded with the discussion.

COMMISSION: Mr. Kevin Bailey made a motion to untable the request.

Once the request was untabled:

APPLICANT: Mr. George Hamman requested MAPC approval for a rezoning at 1110 Loberg Lane. The applicant would like to rezone the property from R-1 Single Family Residential to RM-8 LUO Residential Multi-Family. This property sits on 1.36 acres of land, which would allow the applicant to build up to 10 units on the property.

APPLICANT: Mr. George Hamman addressed the concerns presented at the last meeting. Regarding traffic, the Jonesboro Master Street Plan identifies this road as a Minor Arterial with 100 feet of right-of-way. Regarding noise, the units being built are only two bedroom units. They will not be large enough to house multiple roommates or large families. There will also be a privacy fence. Mr. George Hamman requested the MAPC allow the fence to be 8 feet high instead of the allowed 6-foot tall privacy fencing. Regarding drainage, the drainage on this development will meet all of the city requirements. They do not intend to lose any trees with this development. The entrance location may be moved to the north side of the property if the Commission would for them to do that.

APPLICANT: Mr. George Hamman did provide elevations showing what the units would look like from the outside. He also showed some of the homes his client has built in the past. He also showed some of his client’s buildings that he torn down in order to build something new on the property.

STAFF: Mr. Derrel Smith presented staff comments. This request meets five of the six rezoning criteria. The only one this did not meet was the properties ability to be developed as it is currently zoned. If this rezoning were denied, the property could be redeveloped as Single Family Residential. The Planning Department recommended approval with the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any

redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

OPPOSITION: Ms. Judy Casteel wanted it noted in the minutes that she is the President and Director of the Scenic Hills Neighborhood Association. She also wanted to include the petition that she submitted containing over 300 signatures of individuals opposing this request. A motion was made to amend the minutes to include Ms. Casteel concerns. The motion passed.

OPPOSITION: Ms. Judy Casteel also pointed out there were three different lot sizes on record for this property. The land survey from the previous owner shows the property to be 1.60 acres. Craighead County shows it to be 1.06. Mr. George Hamman shows the land to be 1.36.

APPLICANT: Mr. George Hamman explained to Ms. Judy Casteel that the 1.06 acres was probably a typo. The 1.36 is the new plat with updated property lines and updated city right-of-way. That is why the property went from 1.60 acres to 1.36 acres.

OPPOSITION: Ms. Judy Casteel pointed out the number of multifamily develops in the area of their Association. They feel like they have enough multifamily developments in their neighborhoods. She also pointed out Mr. Chris Ishmael knew the property was R-1 when he purchased the property. Ms. Judy Casteel also pointed out the Land Use Plan is a guide and not a law. The applicant said this development would create jobs for the city but they would not be long-term jobs. This development will also increase the value of 1106 Loberg but it will not increase the value of anyone else's property. The traffic is an issue with this request because of where the driveway is located. She also pointed out the limited amount of room for a fire truck to turn around in this development. Individuals who live downhill from this develop and their house floods when it rains because of this property. Ms. Casteel does not feel like this would make the drainage issues any better. There are multiple apartments in Jonesboro currently sitting empty. She feels like Jonesboro does not need additional apartments.

OPPOSITION: Ms. Raney Williams wanted to voice her opposition to the construction of townhomes in Jonesboro. She has no problem with apartments in Jonesboro. She is concerned about ADA compliance in the construction of townhomes. She feels like townhomes are not inclusive toward disabled individuals.

COMMISSION: Mr. Jeb Spencer had a few comments about this request. He said the property could be sold in the future to someone other than Mr. Ishmael. He had concerns about how much water runoff is going to be generated from this development. He is also concerned about having the front of the building face the street rather than the side of the building with no windows or doors. The Land Use Plan also encourages consistency with the existing neighborhood. Putting six duplexes on one lot does not seem consistent with the surrounding neighborhood. Mr. Spencer also wanted to address the pictures Mr. Hamman provided. He did not think those houses were pictures of houses that were at 1110 Loberg. He also felt like multifamily housing does not age very well.

COMMISSION: Mr. Jim Little asked if there needed to be a spot for a fire truck to turn around in this size of development.

APPLICANT: Mr. George Hamman said he did not know if it would be required. However, the Fire Department would see the site plan and review it if the rezoning is approved.

COMMISSION: Mr. Jim Scurlock asked how the drive to the North would affect the layout of the development.

APPLICANT: Mr. George Hamman said it would change the current layout a little bit but not much.

COMMISSION: Mr. Kevin Bailey asked Mr. Hamman how many single family houses could be on the lot.

APPLICANT: Mr. George Hamman said he would probably need to get a variance in order to put three houses on the property.

COMMISSION: Mr. David Handwork had concerns about the layout of the property. He had concerns about the drainage with this development as well.

APPLICANT: Mr. George Hamman said the drainage plans would have to be approved by the Jonesboro Engineering Department before they could get a building permit.

ENGINEERING: Mr. Michael Morris from the Engineering Department told them City Ordinances would not allow them to increase downstream flooding.

COMMISSION: Mr. David Handwork also wanted to know how many parking spaces were going to be provided per unit.

APPLICANT: Mr. George Hamman said there were two parking spaces per unit that would be provided.

OPPOSITION: Ms. Judy Casteel wanted to point out that Mr. Hamman's client paid \$10 in the warranty deed for the proposed property.

ATTORNEY: Ms. Carol Duncan said that is commonly used by attorneys when they write up warranty deeds.

OPPOSITION: Ms. Judy Casteel also said the 8-foot fence would not be able to block noise.

COMMISSION: Mr. Dennis Zolper made a motion to approve the rezoning with the recommended conditions attached by the Planning Department.

A motion was made by Dennis Zolper, seconded by Jim Little, that this matter be recommended to Council. The motion PASSED with the following vote.
No more Public Comments.

COMMISSION ACTION:

Mr. Dennis Zolper made a motion to approve Case: RZ: 17-25, a request to rezone property from R-1 Single-Family Residential District to RM-8 LUO Multi-Family Residential, subject to final site plan approval by the MAPC as submitted, to the City Council with the following stipulations:

- 1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.**
- 2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.**
- 3. Any change of use shall be subject to Planning Commission approval in the future.**
- 4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.**

The MAPC Recommends approval to rezone property from “R-1” Single Family Residential District TO “RM-8” Limited Use Overlay Single-Family Residential District. Motion was seconded by Mr. Jim Little.

Roll Call Vote: 5-4, Aye’s: Jim Scurlock; Kevin Bailey; Dennis Zolper; Jim Little; and Lonnie Roberts.

Nay: Jeb Spencer; Jerry Reece; Jimmy Cooper; David Handwork

CONCLUSION

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should the City Council decide to approve based on the above observations and criteria of Case RZ 17-26, a request to rezone property from R-1 Low Single-Family Residential District to RM-8 LUO Multi-Family Residential, subject to final site plan approval by the MAPC and the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

Respectfully Submitted for Planning Commission Consideration,
The Planning Department

Sample Motion

I move that we place Case: RZ 17-26 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that changing the zoning of this property from R-1 Single Family Residential District to RM-8 LUO Multi-Family Residential, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future.



View looking North



View looking South



View looking East



View looking West