

City of Jonesboro City Council
Staff Report – RZ 18-27: HWY 49/FLEMON/HWY 226/WILKERSON
Municipal Center - 300 S. Church St.
For Consideration by the City Council on December 18, 2018

REQUEST: To consider a rezoning of one tract of land containing 152.60 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “AG-1” Agricultural District to a “RS-8” Single Family Residential District Limited Use Overlay with lots having to be at least 7,100 sq. ft. minimal for the 152.60 +/- acres of land.

APPLICANTS/ OWNER: CBS Revocable Trust, 1809 Canal Pointe. Little Rock, AR 72202

LOCATION: North Side of U.S. Hwy 49 and South of Flemon Road and East of Hwy 226 and West of Wilkerson Drive

SITE DESCRIPTION: **Tract Size:** Approx. 152.60 Acres
Street Frontage: 2615.76’ Total along Flemon Road, 2529.85’ Total along Wilkinson Road, 2637.46’ Total along U.S. Hwy 49, 2496.53 Total along HWY 226
Topography: Predominately Flat
Existing Development: Flat Farmland

SURROUNDING CONDITIONS:

ZONE	LAND USE
North – R-1, AG-1	Residential Houses and Vacant Land
South – R-1	Residential Farmland
East – AG-1	Residential Farmland and Residential Houses
West – County	Residential Farmland - County

HISTORY: Farmland – Agricultural Crops

ZONING ANALYSIS:

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

COMPREHENSIVE PLAN LAND USE MAP:

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector with Special Overlay District for the portion along HWY 49 / Southwest Drive. Moderate Intensity

has a wider mix of land uses. 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. Typical land uses include:

- Mix of Single Family, Duplexes, Triplexes and Fourplexes
- Neighborhood Retail and Service
- Office Parks
- Smaller Medical Offices
- Libraries, schools, other public facilities
- Senior Living Centers / Nursing Homes
- Community-Serving Retail
- Small Supermarket
- Convenience Store
- Bank
- Barber/Beauty Shop
- Farmers Market
- Pocket Park

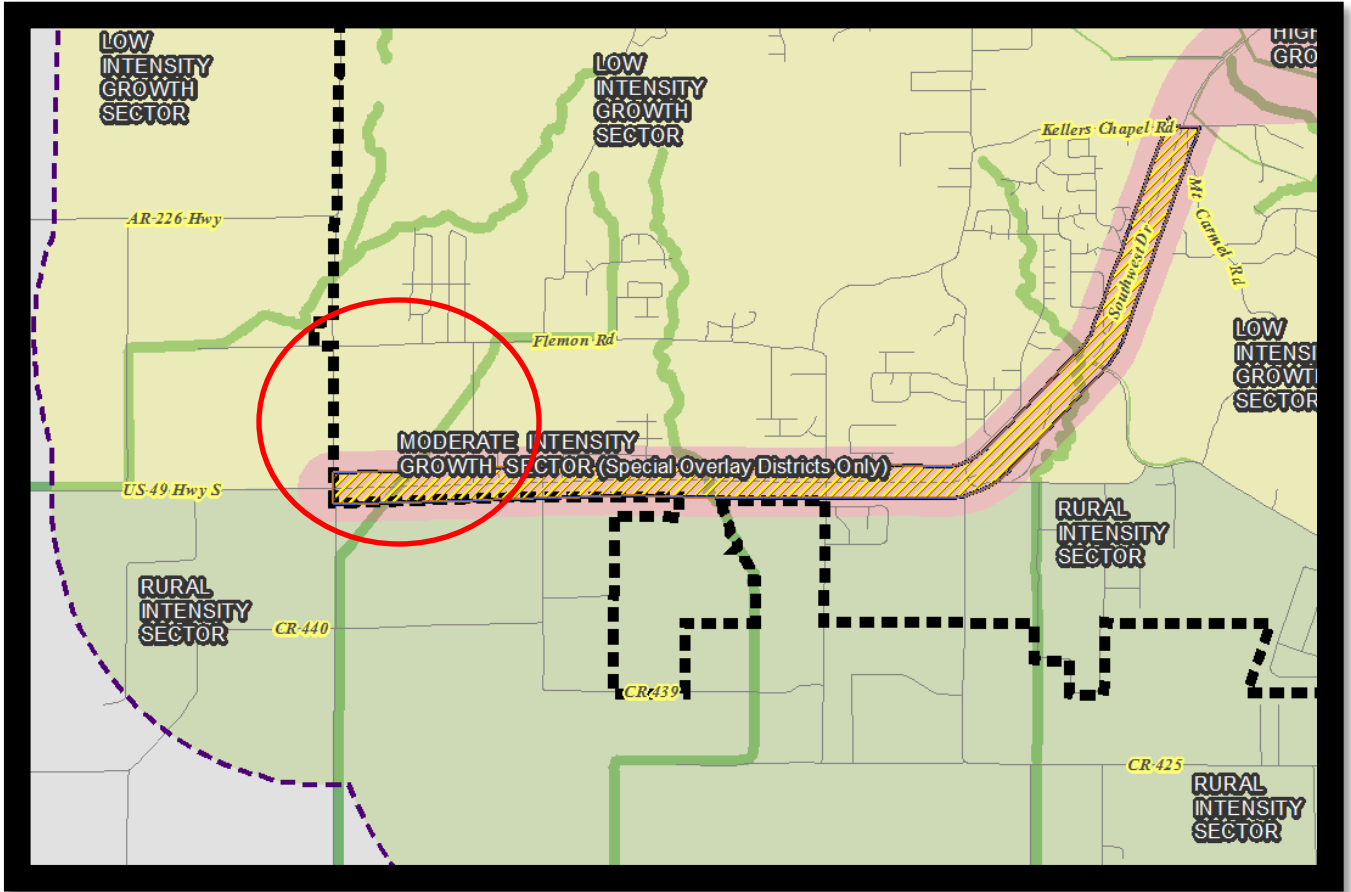
The Current/Future Land Use Map recommends this location as a Low Intensity Growth Sector for the RS-8 Single Family Residential District area. Low Intensity uses take place in areas where transportation arteries are fewer and services like sewer are more sparse. Additionally, many Jonesboro residents have moved to areas of low intensity development because they like it that way, so that one of the major intents of this sector is to preserve the more laid-back feel to residential life. As a result, limited commercial development, primarily at the crossroads of arterials and collectors, is allowed. Where commercial development is allowed, it should be of higher quality construction materials and design. In addition, limits on hours of operation, lighting standards, screening from residential uses, etc. are appropriate. Typical Land Uses include:

- Moderate to large lot Single Family Residential Developments
- Neighborhood Markets
- Neighborhood Convenience Stores
- Neighborhood Services (Dry Cleaners, Carwashes, Small Banks)
- Senior Living Centers / Nursing Homes
- Stables

Density: Single Family Residential on 1/5 to 5 acre lots

Height: 40 Feet

Traffic: Approximately 100 peak hour trips (Commercial Only)



Land Use Map









Master Street Plan

Master Street Plan/Transportation

The subject property is served by Hwy 49 / Southwest Drive, Flemon Road, Wilkinson Drive and Hwy 226. Hwy 49 / Southwest Drive on the Master Street Plan is classified as a proposed Principal Arterial, requiring a 120 ft. right-of-way. Flemon Road on the Master Street Plan is classified as a proposed Collector Road, requiring an 80 ft. right-of-way. Wilkinson Drive on the Master Street Plan is classified as a proposed Local Street, requiring a 60 ft. right-of way. Hwy 226 is a county road. The applicant will be required to adhere to the Master Street Plan recommendations.

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 list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a Moderate Intensity Growth Sector with Special Overlay District along HWY 49. The Adopted Land Use Plan calls for a Low Intensity Growth Sector for the portion that is behind the Moderate Intensity Growth Sector. This will have a Limited Use Overlay with the minimum of 7,100 Square Foot lots.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering there are Single Family in this area and Commercial along portions of Hwy 49 / Southwest Drive.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Without the proposed zoning map amendment, this property will likely not develop because of it being Agricultural with crops being grown on the land.	
(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;	No detrimental or adverse impacts are predicted, if proper assess management controls are implemented.	
(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 due to the fact that businesses and residential currently exist in this area.	

Staff Findings:

Applicant’s Purpose

The proposed area is currently classified as an “AG-1” Agricultural District. Located on vacant farmland, this rezoning helps to comply with the development in this area.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*. Rezoning makes sense considering there are already single-family homes and Commercial Development along HWY 49 in this area.

Chapter 117 of the City Code of Ordinances/Zoning defines RS-8/Single Family Residential District as follows:

Definition of RS-8 Single Family Residential District - The purpose of a RS-8 district is to provide Single Family Residential District with a minimum 5,445 square foot lot with 15 ft. front and rear setbacks and 7.5 ft. side setback. This has a Limited Use Overlay attached to this Rezoning requiring the lots to have a minimum of 7,100 square foot with 15 ft. front and rear setbacks and 7.5 ft. side setback

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	Reported no issues.	
Streets/Sanitation	No issues were reported	
Police	No issues were reported	
Fire Department	Reported no issues.	
MPO	Reported no issues.	MPO had no comments.
Jets	Reported no issues.	
Utility Companies	Reported no issues.	CWL commented that only small section could currently be served with gravity sewer.
Code Enforcement	Quality of Life requests that the concepts of CPTED be implemented in the design of all buildings, landscaping and lighting. ANSI/IES lighting standards are highly recommended. Maintenance plans to retain CPTED Landscaping should also be considered.	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON DECEMBER 12, 2018

North Side of U.S. Hwy 49 and South of Flemon Road and East of Hwy 226 and West of Wilkerson Drive CBS Revocable Trust is requesting a Rezoning from AG-1 Agricultural District to RS-8 Single Family Residential District, 5,445 square feet required for 135.36 acres +/- of land and C-3 General Commercial District Limited Use Overlay for 17.24 acres +/- of land located on the North side of U.S. Hwy 49 and South of Flemon Road and East of Hwy 226 and West of Wilkerson Drive.

APPLICANT: Mr. Michael Boggs represented CBS Revocable Trust for the rezoning. He said they are asking for RS-8 single-family district and C-3 general commercial district. He continued that there have been some concerns about this development being multi-family housing, Mr. Boggs assured that is not the case and these will be single-family houses. The only reason they went with RS-8 is because the setbacks that zoning provides. Additionally, he said looking at item number 6 in the staff report; Mr. Boggs said a large commercial area is not warranted at this time. Looking to extend that to 600 feet is not what we are looking for, we would like to keep the 300 feet area as submitted.

STAFF: Mr. Derrel Smith said in our land use plan we have a statement in there that we want to reduce/stop strip development, what this 300 feet of commercial zoning would do is encourage strip development and that is how it can be developed. We had suggested increasing the commercial area to 600 feet. Another option is to look at one of the main corners and rezone that to commercial. This can bring 15 curb cuts along the highway, we don't want that. Land Use Plan has been approved by this committee and the City Council, we have a chance to do it right and we do not want a strip development in it.

APPLICANT: Mr. Michael Boggs said this development will start from the Northeast corner of the lot and will come south, this is a two-three year project. We can come back and make the commercial development 600 feet at a later time, if need be.

STAFF: Mr. Derrel Smith said I still don't think we should approve the strip development there. If they want to leave that agricultural on the front until they have another use for it. I don't feel comfortable recommending.

APPLICANT: Mr. Michael Boggs said can we amend the request, take off commercial and make it all residential.

STAFF: Mr. Derrel Smith said you can.

Applicant agreed to withdraw the commercial portion of the request and rezone the lot as RS-8 for all 152.60 acres.

APPLICANT: Mr. Jason Beard represented CWL. He said this is the existing sewer and wastewater facility. It is known as the East Plant. They are expanding at this point and were made aware this was not zoned appropriately. Therefore, they want to rezone the property to the correct zoning.

STAFF: Mr. Derrel Smith said this site meets all the five of the six requirements that are on the zoning checklist. We would recommend that we approve the rezoning. The following stipulations will apply:

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 Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. The Limited Use Overlay for the 152.60 +/- acres of land will have a minimum lot size of 7,100 square feet and will keep the setbacks for the RS-8 District.

BOARD: Mr. Lonnie Roberts asked if there are any public comments.

CITIZEN: Ms. Joe Warren said I just wanted to make sure this is all residential, no commercial.

BOARD: Chairman Lonnie Roberts said it would be all residential.

CITIZEN: Ms. Joe Warren asked where the entries would be.

STAFF: Mr. Derrel Smith said we won't know that until a site plan is brought in.

CITIZEN: Mr. Kevin Broadway said he is the president of the HOA of Beaver Creek. We at beaver creek were created as 8000 square feet minimum lots. Our subdivision has 120 lots. There are smaller neighborhoods close to us. These rezoned lots should follow the R-1 subdivision codes.

CITIZEN: Mr. Jim Sanders said when the original land was said to be R-1, now this is being changed to RS-8. I used to be on the Land Use committee. There was a possibility of a commercial node on the west side of the Highway. Mr. Sanders continued to say, I think you should make this R-1 instead of RS-8.

CITIZEN: Mr. Aaron Harris said I grew up in this area. One of my main concerns is the flooding, we have flooding issues, this field drains and water is there for a long time even after the rain. I understand we have to grow but I just think fewer houses per acre would help the flooding problem.

CITIZEN: Mr. Marty Boyd said the flooding issues in that area, routinely the water stays there for a long period of time after a rain. The issue is already there, I can't see how it would improve after we put that many houses there.

CITIZEN: Mr. Levi said I want to reiterate that the lot sizes are much smaller than what we own. I would like it if it were even, that would make it fair.

APPLICANT: Mr. Michael Boggs said we chose RS-8 sizes because of the flexibility of the setbacks that RS-8 enjoys. He continued that the lot sizes will be around 7100 square feet. This property drains to the southwest. Also, when we bring the site plan it will have to go through

the city codes. It will come to planning and engineering department. We won't make it worse, hopefully we will make it better. We will try to limit the access to the lot. We will know more when we get to the conceptual drawings.

BOARD: Ms. Mary Margaret Jackson said it concerns her that there are already flooding issues. We know that we have impacts whenever we increase density, we know that our flood plain maps are out of date, we are going to grow, and we just need to be smart about it. I want to compliment the planning department for putting the comprehensive plan in the staff report. If we want to grow and be denser on the edge of the city then we need to follow the comprehensive plan.

BOARD: Mr. Jim Little asked what zoning would match the old R-1 zoning.

STAFF: Mr. Derrel Smith said RS-4 is the closest to the old R-1 zoning. Since we went to the new code, we do not have R-1 as an option anymore.

APPLICANT: Mr. Michael Boggs said you can put a stipulation on there for minimum lot size to be 7100 square feet. We are wanting to build it closer to the R-1 standards but that zoning was not available anymore.

BOARD: Mr. Jim Little asked the stipulation of RS-8 Overlay, would that be a positive thing for the people in the surrounding neighborhoods.

COMMISSION ACTION:

Mr. Dennis Zolper made a motion to approve Case: RZ: 18-27, as submitted, to the City Council with the stipulations that were read by the Planning Department:

- 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 Planning Department, prior to any redevelopment of the property.**
- 3. Any change of use shall be subject to Planning Commission approval in the future.**
- 4. The Limited Use Overlay for the 152.60 +/- acres of land will have a minimum lot size of 7,100 square feet and will keep the setbacks for the RS-8 District.**

The MAPC find to rezone property from "AG-1" Agricultural District to a "RS-8" Single Family Residential District Limited Use Overlay with lots having to be at least 7,100 sq. ft. minimal for the 152.60 +/- acres of land. Motion was seconded by Mr. Jim Little.

Roll Call Vote: 7-0, Aye's: Mary Margaret Jackson; David Handwork; Kevin Bailey; Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper

Absent: Jim Scurlock

Conclusion:

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 18-27 for a request to rezone property from “AG-1” Agricultural District to “RS-8” Single Family Residential District Limited Use Overlay for 152.60 +/- acres of land with the following conditions that are recommended:

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 Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. The Limited Use Overlay for the 152.60 +/- acres of land will have a minimum lot size of 7,100 square feet and will keep the setbacks for the RS-8 District.

Respectfully Submitted for City Council Consideration,
The Planning and Zoning Department

Sample Motion:

I move that we place Case: RZ-18-27 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from “AG-1” Agricultural District to “RS-8” Single Family Residential District for 152.60 +/- acres of land and will be compatible and suitable with the zoning, uses, and character of the surrounding area.

PICTURES OF LOCATION

