



*City of Jonesboro City Council*  
**Staff Report – RZ 15-12- 2506 and 2510 Johnson Ave. Rezoning**  
**Municipal Center - 300 S. Church St.**  
*For Consideration by the Council on Tuesday, September 1, 2015*

**REQUEST:** To consider a rezoning of the land containing 15.7 acres more or less.

**PURPOSE:** A request to consider recommendation to Council for a rezoning from “C-3, L.U.O.”, Commercial District to “PD-RM” Multi-Family Planned Development.

**APPLICANTS/ OWNER:** **Zimmer Development Company**, 111 Princess St., Wilmington, NC  
**James D. Carr**, Cordova, TN / **Willis/Caroline Gray**, Maumelle, AR

**LOCATION:** **2506 and 2510 Johnson Ave., Jonesboro, AR 72401**

**SITE DESCRIPTION:** **Tract Size:** Approx. 15.7 (+/-) Acres (Approx. 683,705 sq. ft.)  
**Street Frontage:** 361.57 ft. on Johnson Ave.  
**Topography:** Rolling Topography, wooded.  
**Existing Development:** Single Family Home, small and large tree mass.

<b>SURROUNDING</b>	<b><u>ZONE</u></b>	<b><u>LAND USE</u></b>
<b>CONDITIONS:</b>	North: R-1	Vacant Undeveloped Land, Single Family Homes
	South:	Arkansas State University
	East: RM-6 LUO	Multi-Family Apartments
	West: PD-RM/C-4	Multi-Family Apartments, Cell Tower

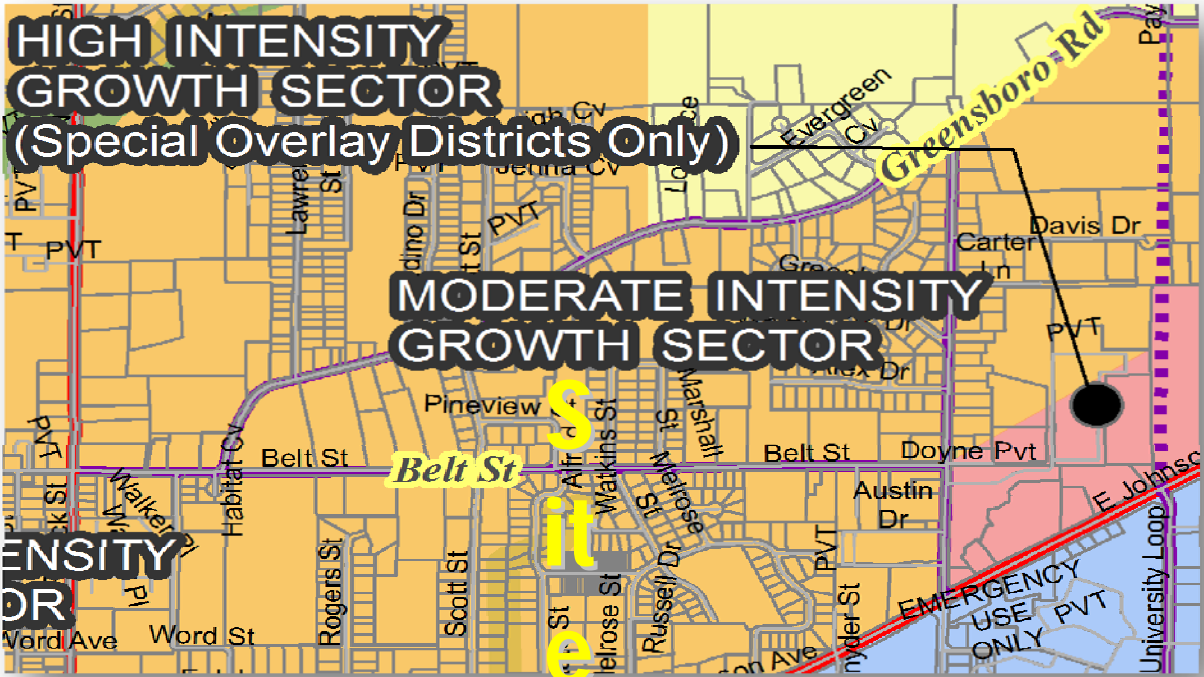
**HISTORY:** Rezoned to C-3 L.U.O. by ORD 09-054 on 9/15/2009.

**ZONING ANALYSIS**

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The currently adopted Land Use Plan recommends the current site High Intense Growth Sector. Consistency is achieved with the current and the future/proposed development. Land to the West and East currently accommodates multi-family dwellings.



*Adopted Future Land Use Map*








**Master Street Plan/Transportation**

The subject property is served by Johnson Avenue on the Master Street plan, which is classified as a Major Arterial, which requires a 60 ft. right-of-way to road centerline (120 ft. total right-of-way). The rezoning plat shows compliance.

**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	The proposed RM-16 District rezoning is not consistent with the Future Land Use Plan, which is categorized High Intense Growth Sector.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal achieves consistency with the purpose of Chapter 117, as a Planned District. The applicant proposes an ultimate build out of 240 units on 15.7 acres which equates to a gross density of less than 16 units per acre (@251 units).	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. An identical development exists to the west, which promotes additional housing for students off campus.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Suitability is not an issue if development controls are in place to promote good access management; This area is trending with mixed commercial/attached housing.	
(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 applicant has stated that there would be no negative impact on nearby property. The impact on odor, noise light, vibration would be very minimal since it is a continuation of adjacent site's zoning. Pedestrian safety access is a major issue and challenge and should be addressed by the applicant.	
(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	The property is majority vacant land that has never been developed other than one single family home which is not the highest and best use.	
(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	Minimal impacts, utilities are present. The applicant has proposed a plan to include open space and other site amenities.	

ILLUSTRATIVE PLAN FOR  
**UNIVERSITY WOODS**  
JONESBORO, AR



**ZIMMER**  
DEVELOPMENT COMPANY

**Staff Findings:**

The applicant/developers (Zimmer Development Company) propose to construct upscale student housing for ASU students, given the proximity to campus (across Johnson) and consistent with surrounding multi-family and commercial development at a density level of not more than 16 units per acre through a planned development (PD-RM) process. The applicant states that the proposed development will address and provide unmet needs for student housing adjacent to the ASU campus.

According to the applicant's agent, since the property was rezoned to C-3, L.U.O, six years ago, efforts to develop the property as a commercial node have been unsuccessful. With the multi-family development on both sides of the subject tract, and the desire for a developer to purchase the property for an upscale student housing development, the proposed rezoning is consistent with the highest and best use of the property.

**Amenities:**

A detention pond is located in the rear; and a retention pond in the front area may be provided with a water feature.

The Concept Plan illustrates 10-apartment unit buildings, to be divided into two phases. Phase 1 will consist of the first 6- buildings on the most-southern portion of the site, including a clubhouse, swimming pool, and fitness gym, café, and study rooms. Phase II will include the remaining 4 buildings having 24 units in each, totally 240 student housing apartment units. Unit styles include 2-bedroom and 4-bedroom varieties situated directly across from University Loop access to Arkansas State University. The nearest

building to the property line in the rear is over 200 ft. in distance from the closest residential property. The project will be completely fenced and gated. Pedestrian sidewalk connectivity is addressed in the conceptual plan to extend it to University Loop, to provide a safe crossing for the students. Future coordination is planned with the Arkansas Highway Department to provide for a crosswalk on Johnson Ave.

**Neighborhood Meeting Held:**

Twelve (12) surrounding neighbors appeared and gave comment and concerns about broken promises (detention pond issues were mentioned) of the adjacent development to the west which has a similar concept. Management was present and addressed issues. Previous issues of noise and policing issues of the past were also mentioned. The attendees requested more buffering and landscaping to be provided as part of this proposal. The project team went back and added significant landscaping and if adopted and approved they are willing to do whatever is requested.

**Access Management:**

An emergency break-thru entrance (eastern side) has been provided at the request of City reviewing staff to address secondary access requirements of the building codes. Being located on a major arterial lane state highway (Johnson), across the street from ASU and surrounded by existing multi-family developments to the east and west, the applicant states that there will be no adverse impact on property values, odor, noise, light or hours of use and the developer will comply with all state, federal and local drainage requirements.

**Zoning Code Density Analysis:**

The applicant has requested a change to the PD-RM at 16 units per acre. This could have a gross resultant of 251 units, where 240 units are proposed.

<i>Zoning Classification</i>	<i>Minimum Lot Width (in feet)</i>	<i>Minimum Lot Area</i>	<i>Front Setback (in feet)</i>	<i>Rear Setback (In feet)</i>	<i>Side Setback (in feet)</i>
<b>RM-4</b>	<b>50</b>	<b>10,890s.f. per dwelling unit</b>	<b>20</b>	<b>15</b>	<b>7.5 each</b>
RM-6	60	7,260s.f. per dwelling unit	20	15	10.0 each
RM-8	70	5,445s.f. per dwelling unit	25	20	10.0
RM-12	80	3,630s.f. per dwelling unit	25	20	15.0
<b>RM-16</b>	<b>80</b>	<b>2,722s.f. per dwelling unit</b>	<b>25</b>	<b>20</b>	<b>15.0</b>

**Building Setbacks:**

Minimum setbacks are far exceeded. Perimeter fencing is proposed. Additional screening and buffering should be installed where adjacent single family residential is to remain.

**Required Parking:**

The formula for required parking is as follows: 2.25 per two-bedroom unit; 3.00 per four-bedroom units. A final parking analysis shall be demonstrated during the Final Site Plan review.

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**MAPC Record of Proceedings: Public Hearing Held August 11, 2015:**

**Applicant:** Attorney Don Parker, Agent:

**Mr. Parker:** Stated that he represents Zimmer Development Company out of Wilmington N.C. and the owners of 2 tracts- Mr. James Carr and Mr. & Mrs. Willis Gray who are asking for a rezoning from C-3 L.U.O., on 15.7 acres to a PD-M, Planned District.

**Mr. Parker** introduced the Zimmer Development Team: Emily Zimmer Moring, in-house council, Adam Tucker who will address you with more information on the project and background information about Zimmer.

**Mr. Parker:** On July 14, you may recall that I shared information about the Zimmer Development Company, in that they have a billion dollars in assets, over 245 projects in over 130 cities across the U.S., they have over 8 million sq. ft. of commercial retail space; and over 3,300 multi-family beds. **Mr. Parker** also noted that he provided info in the packet, referring to exhibits 4 & 5 of which the minutes from the neighborhood meeting.

From Texas, also with the team is: Stacey Lecoche, Senior Vice President of Asset Campus Housing Management, which is one of the largest student housing management companies in the U.S., with over 135 properties in over 75,000 beds under management. Ms. Lecoche handed out information on Asset Campus Housing.

**Mr. Parker** gave additional background information on Mr. Carr who owns 2510 E. Johnson, where he purchased with his father, the late O.L. Carr and his uncle, Mr. Bob Carr. Many of you remember Mr. O.L. Carr and his brother Elbert who both owned the formerly known Carr's Grocery Store. The Gray's own the neighboring tract.

**Mr. Parker:** Zimmer Development together with Mr. Carr and the Gray's are rezoning the property to the PD-RM. There is currently a house and shed at 2806, and the other property has remained vacant with no structures.

**Mr. Parker:** If approved by the MAPC and Council as PD-RM, it will be developed as an upscale housing off-campus project: 10 buildings with 240 units containing 720 beds, under the RM-16 District standards with a mix of two and four bedroom units, having private bathrooms in each unit, with a common living and kitchen area.

**Mr. Parker:** Zimmer plans to invest over \$20 million in this project. We held a neighborhood meeting on June 11, 2015 and 12 persons attended the meeting. There were a large number of concerns on problems the neighbors experienced when the Grove was developed, i.e. broken promises of what was approved by Council and the MAPC.

**Mr. Parker** made past references to the original company Campus Crest and previous issues.

**Mr. Parker:** Some of the issues discussed included: onsite landscaping, fencing, layout design to provide as much buffering to reduce noise. Attendees wanted more information on Zimmer Development and after the meeting Zimmer sent to all in attendance a complete packet. That information is attached to the agenda.

**Mr. Parker:** The proposed site plan was significantly modified to increase the landscape buffering around the perimeter of the property. As required, we contacted the Nettleton School District about the Multi-family zoning; however, we do not believe that there will be much of an impact on Nettleton School District being that this is an off-campus student housing project, which leases by the bed, and not by the unit.

**Mr. Parker:** While children are a protected class under Federal Law, students with children are

not the demographic attracted to this type of housing. Given the proximity to ASU, Zimmer believes that this property is best suited for an upscale student housing project. There are currently multi-family developments to the west and to the east fronting on Johnson Ave.. The City Staff has recommended 8 conditions of which we agree with all. The conditions were read by Mr. Parker. Connectivity of pedestrian sidewalks has been committed to by Dr. Hudson from ASU.

**Mr. Parker:** Adequate vehicular stacking as addressed by the City's Traffic Engineer Mark Nichols.

**Mr. Adam Tucker,** Zimmer Development stated that they are a family owned business with 25 employees. **Mr. Tucker:** The Zimmer family is not flashy and we fly under the radar. We let our work do the talking. He stated that there is a market here at ASU for this type of use.

**Mr. Tucker:** On-campus housing is adequate at ASU. But there is always that group of students that want to spread their wings and move off campus. The millennials want more; i.e. more amenities, more space, their own bathrooms, and walk-in closets. You will find these amenities at all major universities.

**Mr. Tucker:** We visited Fayetteville, AR and they have everything and more that we can ever provide. We met with 3 different departments at ASU here, to talk to them about our goals, and they have been receptive. They gave us comments on storm water which was an issue. We will have our engineers do that work; there are 2 ponds in place. The buffering is an issue of neighbors. If they want different things to improve buffering, we will do them. We tried to keep off the residential to the north. We will have a traffic study done to study the vehicle stacking and the need for right-turn lanes, etc. We really don't do a lot of those things until the zoning occurs, so that we don't get ahead of ourselves. The project will be done in 2 phases; the first 6 buildings close to Johnson will have 144 units with 432 beds; and, the 2<sup>nd</sup> phase will be the 4 buildings with 96 units and 288 beds. Timing is dictated by how well the first phase does. We had a market study done and there is a demand.

**Mr. Tucker:** We talked to the university and they stay at 98% leased. The freshmen are required to live on campus so we don't look for those. We look at what the market is and that is what we per-forma; we don't try to over sell ourselves.

**Ms. Stacey Lecoche,** Senior Vice President of Asset Campus Housing Management presented to the Commission noting that they are the largest privately owned Off-Campus Housing Management Company in the nation; They have had the family business for over 30 years started by Mike McGraft, who has no intentions on selling the company. His son is the Vice-President. We manage 75,000 beds in 35 states and 90 cities.

**Mr. Scurlock:** Commented on the concept with renting-by-the-bed. If 4 people agree to share an apartment and if 3 of them decide to go out west to play Cowboys and Indians, do they have to put up with who you put back in the unit?

**Ms. Lecoche** explained that they are responsible for their own bed space. They have lease guarantors. We do roommate matching and some come in as groups. If they don't have a roommate, we do room matching where 10-12 bench mark questions are used to group similar personalities. It is not a joint leasing liability.

Subletting was discussed. **Ms. Lecoche:** We call it re-assignments, because some have to leave school early. Before they are allowed to sublet, whoever they find will have to go through the same background check process as the original lease holder.

**Ms. Lecoche:** We run credit worthiness as part of the application. Most students do not qualify; this triggers the guarantors' policy because a 5—1 income to rent ratio is required. A criminal

background screening is also run.

**Ms. Lecocke:** Campus Crest management style was different than how this will be. She stated that she oversees about 30-40 properties. Campus Crest had a more of a global issue, from a senior issue at the corporate level, and it has trickled down to their local staff level.

**Ms. Lecocke:** We have town hall meetings and we do not have a “red solo” cup as our mascot. We do not condone alcohol use at our common site area. We do drug awareness group meetings.

**Mr. Spriggs:** Regarding Subletting, are there policies against non-students becoming Sublettes.

**Ms. Lecocke:** This will be a college student clientele only.

**Mr. Cooper:** Will applicants be screened by the onsite team or through Houston?

**Ms. Lecocke:** It all goes through the main hub, but all decision making is not left to the onsite team.

**Mr. Spriggs** reiterated that condition 8 lists a request that the policies be submitted in writing.

**Ms. Lecocke:** Stated that they have no problem providing all requested components on the disciplinary policy and security. We have an emergency preparedness plan also.

**Mr. Bailey** questioned the facility life-cycle, given the popular example of north of Johnson, Apartment City, where most of us have lived or visited. It’s now not a good place to live. Can you speak on management/ maintenance?

**Ms. Lecocke:** From a management perspective, we put together a capital strategy from a 5-10 year point of view on how you would maintain that asset, so that it’s not only aesthetically pleasing for the community, but it is also safe for the people to live in a quality environment as promised. It’s our responsibility to maintain the asset. Ownership provides the financial capital and means to do so.

**Mr. Kelton:** Do you have other similar facilities like this and how long have you had them; and, what history have you had with challenges with fair housing being that this is a student housing project.

**Ms. Lecocke:** Stated that Asset has several projects like this one. We will have 20 projects delivered a year for Asset. There are no claims: All staff personnel has to take the Fair Housing course, we have to abide by the laws. Unaware of any involvement.

**Staff:**

**Mr. Spriggs** gave summary comments. All requirements of the Planned District Standards are met. Staff has reviewed the concept plan layout. Compliance and consistency is achieved with the land use plan. The criteria for rezoning are met. The Master Street Plan right of way is in compliance. The school district notification was sent out. The alternative access point was a concern from the reviewing departments and the applicant has added the emergency entrance.

**Mr. Spriggs:** As noted the applicant is in concurrence with the noted conditions. The buffering concerns of the neighbors have been addressed. The nearest building to the rear lot line is over 200 ft. The Engineering staff/Traffic Engineer has commented on the vehicular stacking distance at the gated entry and the distance 150 ft. is adequate.

**Public Input:**

**Paul Carter (Carter Lane):** Stated that his mother lives on the north side of the site and owns



land there. She had time constraints and had to leave. **Mr. Carter** commented on concerns with placing 3-story apartment buildings back there.

**Mr. Carter:** Although we reserve the fact that there will be some apartments over there. Studies have shown the negative effects of having dense 3-story apartments like the Grove Apartments; they had issues at first and still have issues. Mother is not happy to have the apartments back there; she has no quorums with a smaller complex. Regarding the apartments to the east, were there restrictions placed on them. Mr. Higgins stated he asked for more but you all gave him less.

**Mr. Spriggs** stated that each case is considered on its on merit.

**Mr. Carter** stated that they should consider adjusting their numbers. Do you all go back and look at the property and say we want to expand it even more? The crime issue was commented on regarding background checks. Can you place some limited use overlay restrictions on this and what materials they can use (vinyl siding deteriorates)?

**Mr. Harold Carter (Tony Drive):** Is alcohol use forbidden on site? **Mr. Harold Carter:** What is the maximum occupancy?

**Betty Shaw, Johnson Ave.:** Stated that her mother's trust backs up to this property on 2 sides, one which is 5.37 acres on the north side of this property and the part on Johnson. **Ms. Shaw** commented on how the Grove sold her on broken promises and how wonderful it would be. I heard nothing different about their management, than I've heard at the Grove. I have been over at the Grove every 6 months with issues, whatever you do, you need tighter control over it. I just want to make sure all the "i's" are dotted and the "t's" crossed. She stated that she is not opposed to it, but it is a long way to go.

**Ms. Lecoche:** regarding criminal activity; we do evict.

**Ms. Lecoche:** If the tenants are of age then they can consume alcohol in their private apartment. We don't provide or endorse it within our programming and activities. We will have 7 full-time personnel. We have 7 part-time student assistant positions throughout several areas. Again, Campus Crest's track record can be researched and they have a very different management style, they are for sale and their performance record has declined.

**Mr. Spriggs:** Do you hire your own security personnel or contract it out?

**Ms. Lecoche:** We do both, it just depends if there is a local authority or courtesy officer or a third party company. We use them from 9 PM to 5 AM.

**Mr. Roberts:** Rental control? **Ms. Lecoche:** We do room checks once a month, and the roommates usually would report occupancy issues.

**Mr. Spriggs** asked for comments on the materials question.

**Mr. Tucker:** Stated that they plan to use a masonry product with hardy plank siding and not vinyl siding. Building elevations were shown.

**Mr. Josh Brown** commented from his brokerage role. His company represents Mr. Carr. This property has been marketed for than 5 years, our office has done \$100 million development, real estate related, along Johnson/Hwy. 49 N in that 5 years. Our development company has seen this type of development happen in Northwest Arkansas and Conway. Only thing here we have to base this on in Jonesboro is the Grove. It is successful, if managed right such as the 15 of these in Fayetteville.

**Commission Action:** Motion was made by **Mr. Scurlock**, to place Case: RZ-15-12 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 "C-3, L.U.O." to the

proposed PD-RM, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the noted conditions; Motion seconded by **Mr. Cooper**.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Perkins- Aye; Mr. Bailey- Aye; Mrs. Schrantz- Aye; Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Kelton- Aye; Mr. Scurlock- Aye; Mr. Roberts was chair. Approved 8-0 unanimously.

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**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 and pending pre-meeting reviews:

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	No issues reported to date.	Attended Pre-Meeting
<b>Streets/Sanitation</b>	No issues reported to date.	
<b>Police</b>	No issues reported to date.	
<b>Fire Department</b>	No issues reported to date.	
<b>MPO</b>	No issues reported to date.	Attended Pre-Meeting
<b>Jets</b>	No issues reported to date.	
<b>Utility Companies</b>	No issues reported to date.	
<b>School District</b>	Request for review sent.	

**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 15-12, a request to rezone property from C-3, L.U.O. to PD-RM, “Planned District Multi-Family” 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.
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. The applicant/successors agree to comply with the Master Street Plan recommendation for Johnson Ave. upon any future redevelopment of the site.
4. The property shall be redeveloped under the RM-16 District standards, with a maximum of 240 units.
5. The owner agrees to make a best-faith effort to coordinate with the Arkansas Highway Department to provide for a crosswalk on Johnson Ave. and ASU to extend connectivity along the west side of University Loop for student pedestrian safety.
6. Perimeter fencing shall be provided and shown on the final development plan. Provision and details on gated entry shall be provided to the MAPC with plan addressing adequate vehicular stacking and accidental re-exit.
7. Open space shall be provided and maintained at a minimum of 15% of the total acreage.
8. A management/security detail operational plan shall be provided to the Planning Commission during the Final Development Plan process illustrating procedures for on-site management.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP, Planning & Zoning Director

# Site Photographs



View looking from Johnson looking toward the front entrance of subject property



View from Johnson looking toward the front entrance of subject property



View looking from Johnson looking toward the East boundary of subject property



View looking from Wolf Creek Student Apts., North entrance of subject property



View looking from Wolf Creek Student Apts., North entrance of subject property looking East



View looking from East from the terminus of Carter Lane (Private Drive)



View looking from West from the terminus of Carter Lane (Private Drive) towards Caraway Rd.



View looking South on Davis Dr.



View looking South on Davis Dr.



View looking West towards the Subject Site from East Neighbor



View looking West towards the Subject Site from East Neighbor



View looking West towards the Subject Site from East Neighbor





View looking West towards the Subject Site from East Neighbor



View looking West towards the Subject Site from East Neighbor



View looking West towards the Subject Site from East Neighbor



View looking West towards the Subject Site from East Neighbor



View looking West towards the Subject Site Along Johnson Ave. Frontage



View looking West towards Entry of the Subject Site Along Johnson Ave. Frontage



View looking Northwest on the Subject Site at Existing Home



View looking Northwest on the Subject Site towards Wolfcreek Apts.



View looking Northeast on the Subject Site at Existing Home



View looking East on the Subject Site at Existing Home



View looking South from the Subject Site towards University Loop