



City of Jonesboro City Council
Staff Report – RZ08-29: Sartin Composting Rezoning- Appeal
 Huntington Building - 900 W. Monroe
For Consideration by the Council on February 17, 2009

REQUEST: To consider an appeal of rezoning a parcel of property containing approximately 7.34 acres more or less as denied by the MAPC.

PURPOSE: A request for rezoning from R-1 Residential to I-2 L.O.U General Industrial Composting District.

**APPLICANT/
 OWNER:** Robert Sartin, Jonesboro, AR, Charles M. Mooney, Sr., Agent
 3703 S. Culberhouse Rd.

LOCATION: Directly west of 2914 Casey Springs Rd., West of Woodsprings Forest Phase 1 Subdivision, East of Tall Birch Rd., North side of Casey Springs.

**SITE
 DESCRIPTION:** Tract Size: Approx. 7.34 acres
 Frontage: Approx. 51.3 along Casey Springs Rd.
 Topography: Sloping
 Existing Dvlpmt: Cellular Tower, vacant land with excavated ground.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: R-1& I-2	Reclaimed Landfill
	South: R-1	Residential
	East: R-1	Residential
	West: R-1	Residential

HISTORY: Mr. Sartin was cited for illegally mining on the subject site. City Inspections/Enforcement as well as State EPA were involved with this activity and the mining/extraction was ceased in 2006. Although there is an active permit issued by ADEQ for the green waste composting facility, Mr. Sartin was made aware that such use of the property necessitates a rezoning and that is the basis for this request. He was last cited in October, 2008 for a recent occurrence where a contractor entered the site with a load of green waste, and has since corrected the situation as seen in the ADEQ inspection link below.

The applicant last filed this request for the July 8, 2008 meeting for a rezoning for a larger acreage (16.48) which extended 926+/- ft more in the eastern direction. The case was later withdrawn.

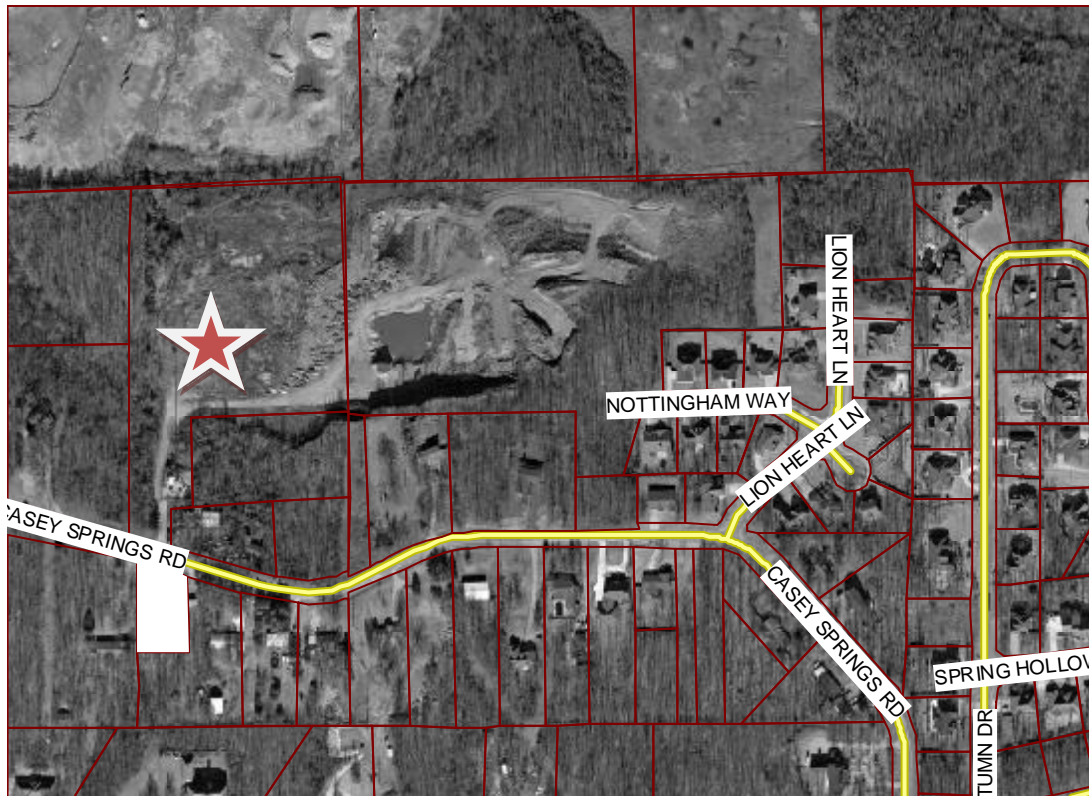
COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Village Residential. This sector is currently under update/study by the Land Use Advisory Committee. Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

Approval Criteria- Section 14.44.05, (5a-g) - 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.



AERIAL VIEW SHOWING PROPERTY LOCATION

Findings:

The applicant has proposed to rezone from R-1 Residential to I-2 L.O.U General Industrial Composting District. The applicant will be restricted to receiving and processing only green yard waste. Organic and hazard wastes are not allowed under the green waste permit.

Staff cautions that buffers should be maintained to assure protection to the abutting residential properties. Compost facilities must be regulated and managed properly and controlled with limitations. Misting aroma devices have been installed at facilities around the country where order has become an issue or nuisance. Consideration for such should be made in the areas to the east and south.

The proposed facility would be located next to acreage that was once used for city landfill activity but the use has been ceased. In normal land use planning principals, the locating of a compost facility would be ideal next to a landfill. Unfortunately this acreage is adjacent to a well established and developed subdivision (Woodsprings Forest Phase 1) having upscale real estate. Therefore, protection of the integrity of that neighborhood needs to be considered. The platting land that is currently recording as part of that subdivision should remain residential. Conditions for maintaining a permanent buffer on the plat should be considered to prevent any future expansion to the east of the acreage proposed in this rezoning.

Staff has contacted the Solid Waste Division concerning the outstanding permit. To review past and recent inspections, copy paste the following web link:

http://www.adeg.state.ar.us/solwaste/branch_technical/permitted_facils/p_facil_report.asp?PermitNumber=0018-SCYW-MC or type in "Sartin" as the facility name.

Since May of 1997, the site has been regularly inspected by ADEQ. The original permit is for the acreage within the limits of this proposal and the rezoning area would have to remain in compliance with ADEQ Solid Waste Division.

Metropolitan Area Planning Commission – Record of Proceedings:

The MAPC held a public hearing on January 13, 1009 to consider Case RZ-08-29 and offers the following record of proceedings and recommendation of denial:

Case RZ08-29: Sartin Composting Rezoning- Robert Sartin,

Mr. Skip Mooney, Sr. represented Mr. Sartin and stated that he owns the 7.34 acres of property. We sought to rezone substantially more property in the previous rezoning. We have pulled back on that acreage. He is in the lawn cleaning, planning and development business. In connection with his business he has an enormous amount of green lawn waste.

The property is located off of Casey Springs Rd. and it joins the now owned City land fill on the South. He has owned it for at least 25 years He has used it over the last 20 years for composting. He is one of the few, I think of 3 in the state that have permits issued by ADEQ.

We have met with the neighbors and explained what we are going to do, and how it would not reduce the value of their property. The landfill was to the north prior to the building of most of those homes. He has been operating for 20 years. He was advised by the City in October 2008 that he needed to rezone it. He has been using it for composting all the time. He is requesting I-2, L. U. O. only for composting. The property owned by the City is I-2. Mr. Mooney stated that Mr. Sartin has agreed to all of the conditions of the Staff report. He has been licensed by ADEQ. He has worked with them for over 20 years. Mr. Mooney read all the conditions.

His company is a large industry in the city that employs 60 to 100 people. There is no other composting site in this area to dump legal waste. At the present time the City is permitting it. We feel with the opening of this facility that it will cause a lot of illegal dumping to cease, where it can be maintained, supervised and authorized by the state agency. Because many people do not understand composting I asked Mr. Sartin to speak to the MAPC.

Mr. Sartin stated that he apologize for the withdrawal previously that people got upset. He had an emergency. We have been operating since the 1980's on this property; permitted since 1987. We have tried to comply. We do yearly inspections. We have to maintain all requirements. It used to be worse, because when they were at the city they could see me. They made us put up a cash bond. In the 1990's I bought the property. The 15 acres east of the property is left to protect the site. There is no subdivision that touches the proposed land. All of the back touches the City landfill property. It allows for a good buffer. We are not dumping trash only greenway waste for the survival of our company to have a place to put our stuff.

Part of the property was grandfathered in under mining. This second phasing did not meet the timing. When the City said it didn't meet mining we stopped. That has ceased as of October, we have not been dumping there. We have been put on hold on everything, and I can't put a dozer there until I get this problem fixed.

The thing that is good about a compost facility is that it can be reclaimed one day. I am not creating an environmental problem. We are not putting any trash or bringing in products harmful for the environment, we have to meet ADEQ specs.

Composting goes along with our promoted 2009 goals to deal with greenway waste. No one has anywhere to go with their leaves and clippings. It is very expensive for everyone to deal with greenway waste. Wet leaves at \$26.00 per ton would be a lot of money and it doesn't need to be buried but reused.

We don't have good top soil. Looking forward to making his own top soil which is only good for the first 6". When you take these products that are naturally given and reuse them, it is good for the community. New industry comes and they are looking at how they can get rid of their waste. He added that he is not trying to create a traffic problem. Not interested in opening on Sundays. Try to minimize the noise. Most of the property around us belongs to me. There will be a sifting machine to sift out the nails, glass. That will be the main equipment. We've met everything engineering that ADEQ needs. The City has requested an I-2 be applied for so that I can continue.

Opponents:

Derek Falls, lives in Woodsprings Forest Subdivision; Mr. Falls stated that the residents of Woodsprings Forest and Casey Springs Road oppose a compost landfill of any size on Casey Springs Road for the following reasons: increased traffic, noise pollution, odors, rodents and decreased property value. A meeting was held with Robert Sartin and residents of Woodsprings Forest on September 30, 2008 to discuss concerns and no compromise was reached. A compost facility is a commercial operation and according to the 1996 Comprehensive Land Use Map, Woodsprings Forest is recommended as Village Residential. That shouldn't change because someone's illegal mining activities destroyed a large portion of that neighborhood. The City of Jonesboro gave me a plat in 2004 before I purchased my house showing 30 additional lots by my house in Phase II of Woodsprings Forest. I called Robert Sartin who then told me he had nothing planned and that it was R-1 and the only thing that could be built was houses. He also sold my lot as a residential lot in 2001. Within 6 months of me purchasing my house he was illegally

mining gravel on that land and it took the City of Jonesboro a year to stop him. I would have never bought my house had Robert been forth coming.

In the Spring of 2008, another neighbor called Robert Sartin to inquire about his activities behind the house he was considering to purchase. Robert told him nothing about a compost facility and explained he was just building a warehouse nobody would ever see.

Mr. Falls stated that Robert Sartin has never been completely honest with us. He appears to have no respect for laws or ordinances that do not suit his purpose. We suspect his commercial compost will be run the same way. The only reason he finally quit dumping behind our house was because he got caught by a camera on a cell phone. His assurances mean nothing to the residents of Woodsprings Forest and our property values will decline tremendously if this compost is allowed.

Mr. Fall further stated that another concern they have is the large amounts of yard waste currently being collected by the City of Jonesboro that the city has no place to dispose. There is a massive amount rotting on Strawfloor waiting for a legal compost facility. Per the Public Works Council Committee minutes on September 4, 2008, the City would be in violation of the ADEQ for having an illegal compost site if the landfill were inspected. That site is still there. We also know that as far back as October 2007, there have been discussions with Robert Sartin to take the green waste from the City. Take it somewhere else. Legacy Landfill has 10 acres right now that can be used as a compost site and additional land that could possibly be leased by someone wanting to start a compost facility. Lacy Compost next to Razor Rock also has a permit pending with the ADEQ. Mr. Falls stated that this site does not have any residences within miles and is adjacent to many, many acres of legal gravel mines. There are options other than Casey Springs Road.

Mr. Falls added that in Mr. Sartin's most recent ADEQ inspection he was cited for operations not following acceptable methods performed by a licensed operator to which he responded that must be a new requirement but yet he had been cited for that prior. The old landfill is closed and will become green area. Why create another nuisance. He presented a petition of 40 signatures opposing.

Mike Ledbetter, 626 W. Washington- *Asked Mr. Mooney if he said he has permitted for 20 years, in R-1. This land is dear to the Lawson Family, my wife's family lives along Casey Springs. They have had to suffer through the land fill for quite some time. This is about to be shut down. Let's let this area heal. Plans are to connect Washington to the south, and connect Casey Springs around to Parker Road. There is a lot of activity and potential for something better.*

Mr. Howard Cowgill, 2813 Casey Springs- *Mr. Mooney stated that everybody has been talked to by his party? He has not talked to me. He has not stated where the entrance will be? Is this a business to operate? Is he doing it for profit with top soil to resell? There is only one little sign company that was grandfathered in. There are a lot of questions. The old dump is so far removed. In his case he will place it where it will abut residential houses. There will be little critters drawn to this site. One child has gotten bit by a copperhead. There are young children in the area. How many trucks will be used? How can we be sure that they are not tearing up streets and driving inappropriately? All past city planners were in support of this. That doesn't mean put it here. We have not been told all the facts. He commented on property values. It was inferred that he will hire so many people. That has nothing to do with this rezoning.*

William Budd, 2806 Casey Springs- The house next to me is for sale. Everybody that visits that house because of the back fence and property line, they want to know if they want to connect to it. They love it but they say we will have land fill behind that house. The man has tried to sell their house for 2 years. Stated concerns over mining going on, and his 5 year old grandson; the rattle snakes and copperheads have been an issue. Moved here in 1974 and he didn't have a landfill behind our house at its current height. What about the plastic bottles and paint cans that they mow and collect? Who will check for it.

Judith Holland, 2813 Nottingham Way- She is a teacher at the school at the end of Casey Springs. There are 50 students that drive that area. We have 325 students in our school; you have parents/students/teachers arriving before 8 AM and after 3 PM school. She stated concerns about operating hours from 7 AM to 6 PM, with trucks on Casey Springs as the only way out. It will be difficult for students and parents on that road with hauling limbs.

Mr. Bobby Wright, 2818 Casey Springs Rd.- He asked, how many people walked over there and looked at that situation? Last fall a truck went by his house full of logs, 2 ft. in diameter he went and saw where they dumped there and it is not just grass and leaves there is everything there. With 1500 lbs. of Bermuda grass sitting down there, you will a breeding ground for skunks, rats, and possums.

Sidney Crawford, 3021 Casey Springs Rd.- Lived there since 1974. He has fought this for years- the landfill. There was a 1976 fire with 55 gallon drums shooting 1000ft. in the air. Little Rock National Guard took 6 months to contain it. He got on a frontend loader and we could not contain it. Put up with that for 2 years. Land fill out there was suppose to be closed by ADEQ back in 1984 was supposed to be closed and capped off. It kept getting bigger. It's still not capped off like it should be. They moved shop out there and there was methane gas; they moved them back out there. Tired of it being harassed out there with trash hauled there and their limbs fall off the trailers and they don't pick them up. Want it somewhere else. He is opposing it being changed from residential to business.

Staff Presentation:

Mr. Spriggs stated that this facility is proposed to be a commercial enterprise. He stated for the record that the use described is not a legally accepted nonconforming use in terms of operation of the facility. Mr. Sartin has obtained approval/permit for the operation, with ongoing inspections. We stated to Mr. Sartin in 2006 concerning the use of the property as composting that rezoning was necessary.

Mr. Spriggs added that the illegal fill/extraction area that was part of the original Woodsprings Heights Subdivision was approved as a preliminary plan subdivision. Mr. Sartin in 2008, applied for a larger tract of land that included this area next to the existing R-1 Subdivision. Since that time an illegal occurrence of materials being taken in occurred in October, 2008 and he was put on notice with a Zoning Violation/Citation. He at that time complied and also submitted that information to ADEQ as noted in his last agency inspection.

Mr. Spriggs stated that it was mentioned earlier, the conditions of the staff summary. He added that he has experience the impacts of a private compost facility. There are a number of nuisances that have been incurred by neighboring residents, which are true in terms of odor and other impacts mentioned that the MAPC should take under consideration. The misting devices were required in the earlier mentioned example which does alleviate the smell issue to an extent.

For most landfills there is typically a setback and staff has recommended a minimum setback of 100ft in terms of proximity to residential; MAPC does have liberty to increase that number.

The facility is to be accessed off of Casey Springs Rd. as it is currently. It was mentioned earlier, that the drives and parking areas need to be addressed in terms of surfacing to prevent any deterioration of public streets. Access to and from the site needs to be properly developed to allow for emergency response because of susceptibility of fires.

Mr. Spriggs concluded that in terms of the regulatory standards, they are covered by other agencies such as ADEQ. Staff's concerns are from the land use perspective of terms of proximity to residential to avoid any future nuisances. If a recommendation is sent to Council he provided the following possible conditions:

- 1. The property shall be limited as General Industrial Composting and shall receive and process green yard waste only. Organic and hazard wastes shall be prohibited.*
- 2. A minimum buffer of 100 ft. shall be provided and maintained between any compost storage/process pile and any nearest domicile.*
- 3. If in the future a nuisance is declared by the City of Jonesboro City Council concerning odors, misting aroma devices shall be installed at the facility to east and south.*
- 4. Line of fill and processing compost material shall be limited to a set back from the East, West and South boundaries at 50 ft. minimum and with no allowance for expansion.*
- 5. The compost facility shall remain in permit compliance with ADEQ Solid Waste Division and any regulating agency applicable.*
- 6. Hours of operation shall be limited to 7:00 am to 6:00 pm, Mondays through Saturdays only.*
- 7. Any new accessory building structures shall be submitted as part of the building permit process and shall be located a minimum 10 ft. from any property line.*
- 8. Any vehicular parking areas shall be paved and meet minimum parking requirements, excluding curbing. Driveways shall be constructed with compacted SB-2/chat to prevent illegal debris, soil, mud or dust from street right of ways.*
- 9. Signage shall be limited to directional signage and one ground monument sign in compliance with signage code set back and size restrictions.*

Mr. Sartin's rebuttal: *The property that I purchased; I have investment in this. I know that the houses have been selling and one just sold a month ago. We have not hurt property values. We have been doing this for over 20 years and they put a subdivision behind a landfill.*

Composting is not a dump. I have been there for 20 years we have not had a fire, or other problems with the City. Meeting regulations is the thing that I have done. It was not till 2006 that we have ask for rezoning. It is not just the city issue but it is state issue for me and the rules have changed even for the state year to year. Now they want a manned facility. If I get a violation, I have to have time to clean it up. I've had people break in and dump a whole house on me there. That is not green waste.

Mr. Sartin stated that he felt sorry for the family that had a grandson who got bit by a copperhead. We all have snakes; I have snakes in my back yard. Smell comes from making mulch. I am making a top soil and it will not smell like the mulches do. You have to make good mulch you don't want pine and stuff that create termites. I don't want to do something like that.

Mr. Sartin added that he is not trying to devalue the neighborhood, I own the property. With the mining issue, I didn't know I was doing that illegal at the time. I have not been doing that. I have a mining permit. I met the requirement. We sent out 30 letters inviting people in the neighborhood to come to a meeting, to go over issues. I had 8 people to show up. Have been doing this for 20 years. He stated that he has the City's best interest at heart. He owns 20 acres, and is only using 7 acres. And a big portion of that is behind these homes that they say they are losing value, and they are not.

***Mr. Bobby Wright:** Number one I think we are seeing more misrepresentation. We were never told that this is a commercial enterprise. He can do that somewhere else. It does devalue your property. There is odor. He commented on the fire risks. If this was his home he wouldn't put this in his back yard. He is a business man. I find it hard to believe, he didn't know that it was illegally mined. To me, he did it as long as he could get away with it.*

***William Budd** stated he work for Best Manufacturing. We are located off Dan Avenue. He mentioned the example of the man that took pallets and grinded them up and it caught fire. It burned for months. This is behind me. If they flood it to put the fire out, It causes an EPA problem. It is a mental thing, and no one will buy your house.*

***Mr. Reggy Holland,** 2813 Nottingham Way- He attended the meeting with Mr. Sartin and he asked Mr. Sartin if he would live next to a compost facility, and he didn't respond to it. He has lived there since 2000. Only time he came in to clean it up is when we have called to complained. He didn't do it then and he won't do it now.*

Mr. Marvin Day made a motion to recommend denial to City Council because this is not adequately buffered and appropriate for the area. The motion was 2nd by Ms. Norris. The case was denied unanimously.

Action:

A motion was made by Secretary Marvin Day, seconded by Margaret Norris, that this Rezoning be Denied. The motion CARRIED by the following vote: Ms. Norris- Aye; Mr. Roberts- Aye; Mr. Tomlinson- Aye; Mr. Day- Aye; Mr. Hoelscher- Aye. Absent were: Mr. Collins, Mr. Dover, Mr. Halsey.

Conclusion:

The MAPC finds that the requested zone change submitted by Robert Sartin should be denied, based on the above observations, by the City Council as I-2 General Industrial District (5 to 0 vote). The applicant and his agent are requesting an appeal of that decision before the Council.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View at terminus of Nottingham Way Looking West



View looking towards Nottingham Way



View looking North from Nottingham Way



View looking North from Nottingham Way



View looking North at Entrance/Casey Springs





View from drive entrance looking West



View looking east from entrance on Casey Springs



View looking east and south from entrance on Casey Springs



View from site



View on property site