

City of Jonesboro City Council
Staff Report – RZ 17-08: 3911 South Caraway Road
Municipal Center - 300 S. Church St.
For Consideration by the City Council on May 2, 2017

REQUEST: To consider a rezoning of one tract of land containing 17.9 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 17.9 acres of land located at 3911 South Caraway Road from C-3 General Commercial District to PD – RM Planned Development Residential Multifamily.

**APPLICANTS/
OWNER:** Karen Winters 3911 South Caraway Road, Jonesboro, AR 72404

LOCATION: 3911 South Caraway Road, Jonesboro, AR 72404

**SITE
DESCRIPTION:** **Tract Size:** Approx. 17.9 Acres
Street Frontage: **Street Frontage:** Around 655.5 Feet Along Caraway Road
Topography: Slopes from West to East
Existing Development: Undeveloped

SURROUNDING CONDITIONS:

HISTORY: Other than a farmhouse on the site, which has been abandoned several years, the project site has been vacant for several decades.



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 High Intensity Growth Sector. A wide range of land uses is appropriate in the high intensity zone, from multi-family to fast food to Class A office space to outdoor display/highway oriented businesses like automotive dealerships, because they will be located in areas where sewer service is readily available and transportation facilities are equipped to handle the traffic.

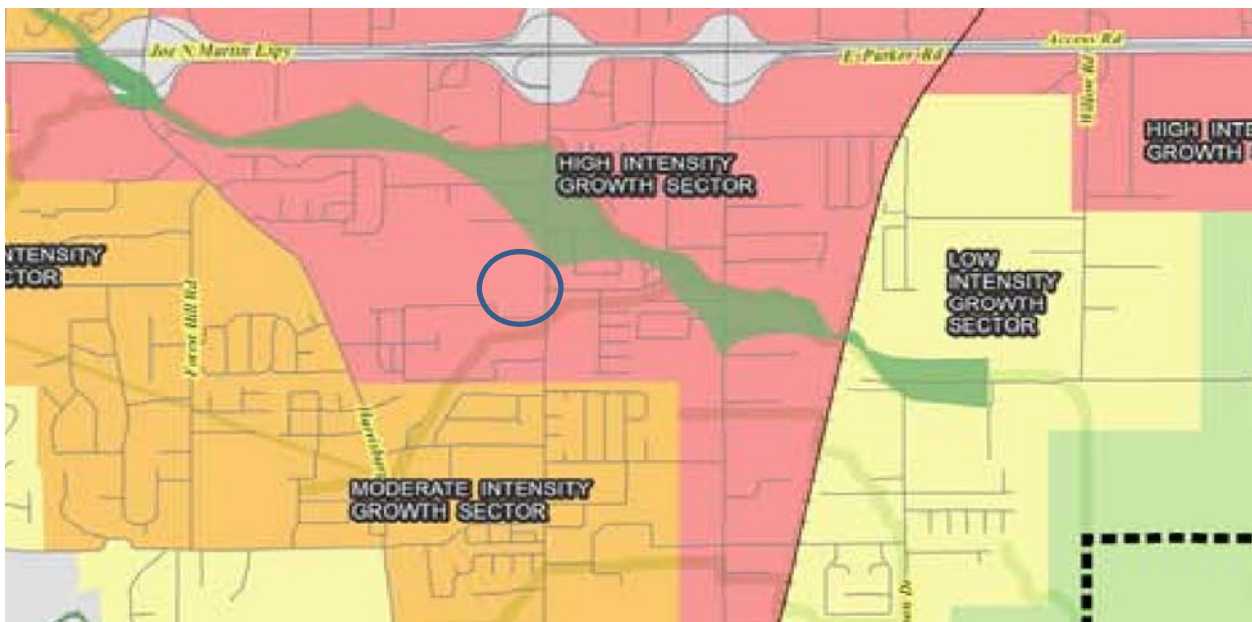
High Intensity Growth Sector Recommended Use Types Include:

- Regional Shopping Centers
- Automotive Dealerships
- Outdoor Display Retail
- Fast Food Restaurants

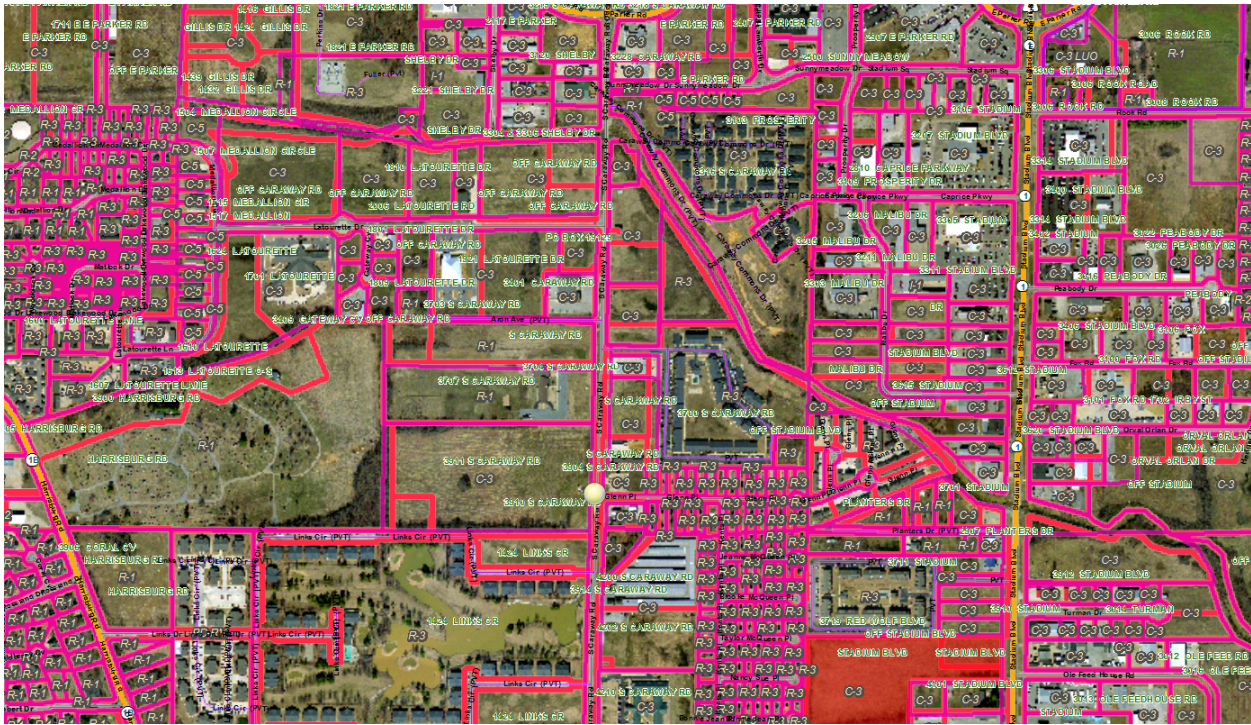
- Multi-Family
- Service Stations
- Commercial and Office
- Call Centers
- Research and Development
- Medical
- Banks
- Big Box Commercial
- Hotel

Master Street Plan/Transportation

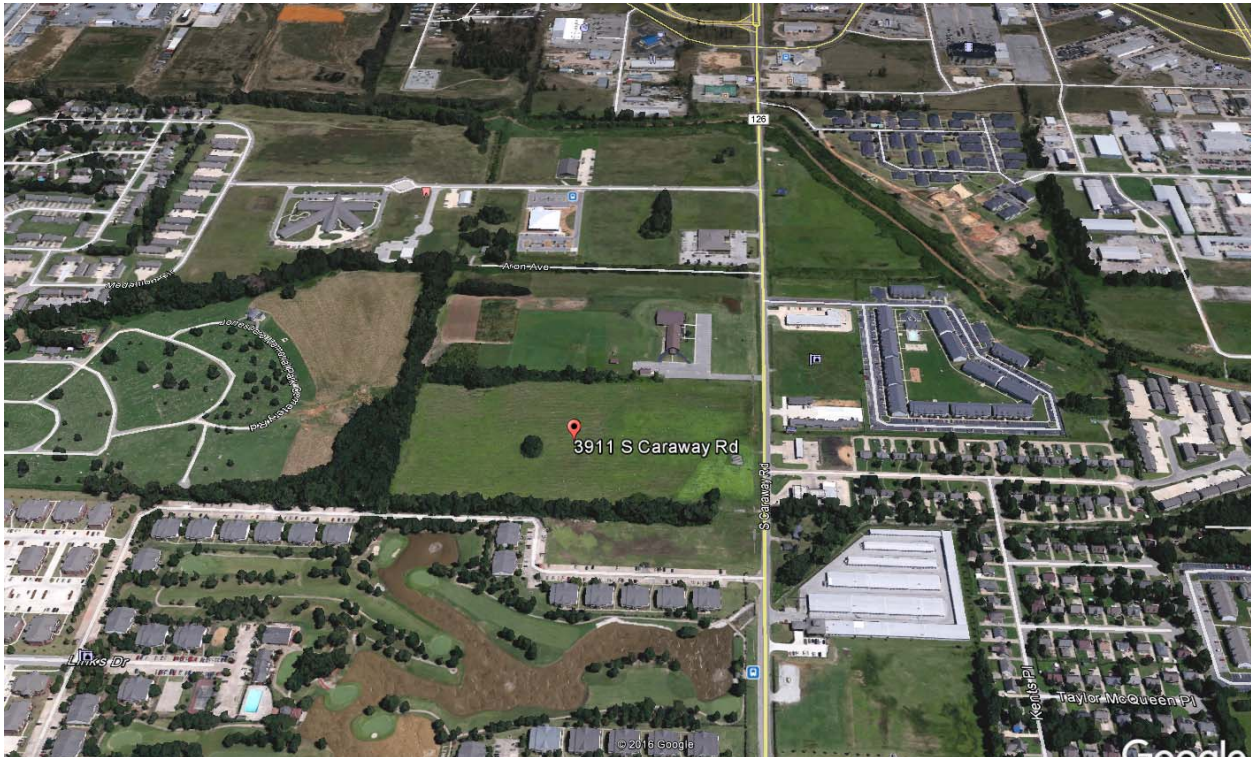
The subject site is served by Johnson Ave., which on the Master Street Plan is defined as a Principle Arterial; the street right-of-ways must adhere to the Master Street Plan.



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. There are other Planned Developments in the area.	1. 
(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.	This area has several multi-family developments.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	This property is located on South Caraway Road. There are other commercial developments in the area.	
(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.	This site and use should not be a detriment to the area if controls are implemented to screen and buffer the Multi-Family from the Single Family Residential. Traffic may be an issue. This road already has quite a bit of traffic.	
(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 a majority of lots surrounding this address have already been developed. There are already several multifamily developments in the area.	

Staff Findings:

Applicant’s Purpose:

The purpose of the rezoning is to allow multi-family development on the property, which is not allowed under its current C-3 General Commercial zoning designation. Multi-Family use is the best use of the property, as it fits well with the surrounding uses and will provide quality housing for residents in Jonesboro. The Jonesboro market currently exhibits very low rates for residents looking to rent housing and this project will help fill the need for such housing. If rezoned, the property would provide luxury apartment homes, garages for select units, and various amenities for residents. Amenities would include a well-appointed clubhouse with a cyber café, game rooms, gathering area, business center, fitness facilities and a resort style pool. Other site amenities would include a car wash, fenced dog park, playgrounds, BBQ areas and significant open space.

Chapter 117 of the City Code of Ordinances/Zoning description of Planned Development:

Planned Development – It is the intend of this division to encourage development with superior living environments brought about through unified development, and to provide for the application of design ingenuity in such developments, while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan for development of the city. The PD provisions herein established are intended to provide for greater flexibility in the design of buildings, yards, courts, circulation and open spaces than would otherwise be possible through the strict application of other district regulations.

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 APRIL 25, 2017

APPLICANT: Jim Lyons on behalf of Karen Winters and Ronnie Hare are requesting a rezoning for 3911 S. Caraway. We meet with the City in the preplanning meeting yesterday. I think we address the concern as well as possible in regards to the City as in regard to the rezoning as Multi-Family. It will be a planned development. It will be developed into 2 phases with 184 units followed by 116 units. About traffic, The City of Jonesboro has apparently determine that there will be sufficient traffic at least anticipated that there would be possibility of a light being placed there. Braxton has done a traffic study and as a result, they are willing to make a comment to the City of Jonesboro that they would donate the percentage of the cost of a Traffic Light at that corner. Therefore, they would be responsible for approximately \$30,000 dollars of that cost. They will like to make that donation to the City. We know that the City's intent is to do traffic improvements in that area so the donations will be made to the City without any requirements that it be used pacifically for the light. We know from the meeting Yesterday that the City Engineers are not sure because they says this falls within a grey area as to where a traffic light will be necessary at that corner and so it is in our belief that the proper thing to do is to make the donation. Let the City make the improvement and then if it is determine that the light be use then you will have the money from us for our share of the traffic light there. However, if it is determine that it is not necessary for that it will not be tired to you have to use this for a light. We know this may change because of the additional construction that is anticipated to take place in and along the street. It is our understanding that the City hasn't made final plans and they don't have the money at this point and time to begin that traffic improvements. This is farther out then what they are planning on doing immediately. Regardless we are willing to make that donation. We also have approval and I believe that was given to you at the preplanning meeting. Yesterday a letter from the church, which is next door from South Baptist Church and this, is a letter from South Caraway Baptist Church, which all their deacons has sign off on. Approving that City asked about possibly of a fence or buffer, there is a buffer zone there already. It turns out that the City desires some fence or the Church desires some fence and the developers are will to do that. Also to consider any reasonable order to give the church a buffer. One of the things that the church asked for was the possibility of an entrance ability of an ingress and egress from and to the Church between the apartments and to the church so if we do build a gate and certainly willing to do that to allow church members to go back and forth between the apartments and they are certainly willing to do that. It is intended that these apartments will be higher end apartments and they will be more expensive than any other rents generally paid in the City of Jonesboro for these apartments. The reason is we intend to primarily address these properties for long-term residents, not people that will be moving in and out. For people that will be there for a while. For young professionals coming into the City of Jonesboro, because there is a need for that.

Obviously, we will comply with any of the compliance law regarding Fair Housing; there will be no discrimination or anything like that. We certainly will consider anybody and everybody that applies, but because of the rent, there will be a little bit more expense then others. One thing that helps these properties is that as you can see there several of the apartments will have garages that will be direct access from their garage into the apartments. Therefore, we believe that makes it more attractive for a number of the residence to move into that area.

We also have spoken with the Nettleton School District and the Nettleton School District we have an email from the School , although the school district didn't vote on it, he did discuss it with School

District and we were welcome to discuss that with you. That the school district does support this and does believe that this should be beneficial for them and does believe that it is not a situation where they are concerned about people moving in there and they will have a lot of tangents. That is one of the things that Nettleton has opposed in the past. We understand that and we believe that we have property address that. Does anyone have any questions?

Land is own currently by The Winter's and we have a contract signed by the Winter's to purchase this property which is contingent upon the rezoning and that is where we stand.

STAFF: Mr. Derrel Smith stated that we have review this and it does meet all six criteria for Rezoning. So if the Commission approves we ask that it be approved with the following conditions:

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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.
 5. A photorealistic rendering of the property from Caraway Road
 6. A letter describing cash-in-lieu payment for a contribution to future Caraway Road improvements.
 7. A letter evaluating trip generation based on current allowed uses (C-3) versus proposed use (PD-RM).

ENGINEERING: Mr. Michael Morris said Engineering has nothing not unless Mark Nichols wants to comment on Traffic.

CITY ATTORNEY: Ms. Carol Duncan said as far as the donation for the traffic signal, I would feel a lot more comfortable if it was just a letter stating their commitment on their behalf saying should the city decide to put in that traffic signal they would contribute that amount of money. We don't have any type of impact fee or any way to accept an impact fee right now with the city and that is what that kind of sounds like. So something, like so should the city decide to put in the traffic signal they have committed to pay the \$30,000 dollars toward that. I think that is what we are trying to say with the letter. I just want to make sure that is clear.

APPLICANT: Mr. Jim Lyons stated that we would do it whatever way to keep anybody from trouble we are not trying to make that an issue.

ATTORNEY: Ms. Carol Duncan said I don't know if we have a way to separate that impact fee which that is what that sounds like.

APPLICANT: Mr. Jim Lyons stated that we understand city does not have impact fee and we are not trying to imply that but we did want the city to know that we are willing to contribute that. One of

the other issues about traffic is that we have tried to work with the city on the locations of the entrances and we believe that these lining up is certainly the best way to do that. If the city disagrees and believes that it needs to be moved to a different location with the main entrance then that is something that we are willing to consider.

PUBLIC COMMENTS:

Mr. Donald Parker stated that he is here as a property owner across the street from this proposed rezoning. I own the property at 3800 S. Caraway. I own the property that is directly across from the proposed main entrance across from this facility and I certainly appreciate Mr. Lyons closing comments about moving this entrance if the Council or MAPC deem it necessary. There are 34 units out there all of which two or three are currently occupied by small mom and pop type businesses. Time to time particularly certain times of the day there are a lot of complaints about the traffic. I am sure you all have heard time and time again about the traffic. However, I can tell you having been on this side of the podium representing those proposing rezoning, that a traffic concern is something you always fight in Multi-Family. I know that the property is currently zoned C-3. C-3 would obviously, if it was fully developed for some of its allowed uses would generate significant more traffic than a Multi-Family Development. However, if we just step back and use a little common sense, any type of highly use C-3 is not going to be developed on South Caraway so long as it is a two-lane road even though it is designated as a Major Arterial Road. As an owner of a property out there, I feel a little bit of a bait and switch. If you remember, back in the 90's if you all remember we passed a one-cent sales tax that had a sunset clause on it. It was specifically dedicated for certain street improvements, south caraway being one of those. I don't recall if the money was supposed to be spent for a three lane or if it was five lane. The fact is it is still two lane and the city apparently ran out of money before it got to the project on south caraway.

This road handles 15,000 thousand cars a day. It is the most used two lane highway or street in the city. The city desperately needs to do something before we continue the development. This is in my opinion. So I would encourage this Commission to look carefully at the traffic. I know there is a traffic study but I have concerns with the primary entrance into this proposed project being lined up with my only ingress and egress out of the Caraway Business Park. It is going to create additional problems who lease space that try to run a business or lease an office there. Now I think that the traffic is my primary concern, but also being a lawyer who has represented a number of opponents for rezoning particularly multi-family rezoning. The thing I hear over, over, over again is concentration. I had a privilege of serving on the moratorium committee that was a topic that was discuss at length. We learned that at least in the Nettleton School District the vast majority of apartments are in the Nettleton School District and they don't have a problem with this and frankly not with the top notch building complex. I think if it were build, it would be the nicest project in town. However, I don't think this is the proper location for it. If you look at density and concentration and if you know that density and concentration lead to crime issue. I certainly will be the last to say that this project will increase crime on S Caraway. I do not think that at all. However, what I do think if you look at what is already on S Caraway. I would encourage this Commission to be very careful about how many more apartments you put in one area. This will be next to the Links that already has 672 apartment units. If you look in the 1500 ft. radius of this area, you will find there is almost 1500 apartments units within 1500 ft. of this property. That includes apartments on Latourette, The Links and The Meadows, which is just diagonally across from the property, which butts the back of my Caraway Business Park. Craighead Commons and Caraway Commons and Stadium Place, which is just a little, further than 1500 ft. which is as the crow flies. Then you have Gladiolus and

Craig Hills which in that area out there you are talking about 2400 units that are already built in that area. Some of them don't use Caraway, like the backside of the Links that use Harrisburg Road, which is frankly as bad as S Caraway. So, I would encourage this Commission to look carefully and not only the traffic on S Caraway until the City decides to do something about widening this street as they have promise for years. Also, be careful about the concentration, I think the last thing we need in this city is another area what is like North of the University in Apartment City. I again don't think this project is certainly is of that nature. It is a higher-class top-notch project, again I just don't think it is appropriate to put it where it is proposed and I also don't think it is appropriate to have the main entrance across from our entrance into the business park. If you decide to approve it please consider moving the main entrance where it lines up with Glenn Place and hopefully someday it will justify having a traffic light. Thank you very much.

COMMISSION: Mr. Ron Kelton asked Mr. Jim Lyons we talked yesterday about time frames with we don't have the federal money for the street so delay of games is currently our best interest as far as resources, but can you give us about time frames when you would start. When Phase 1 would start and when it might be finished.

APPLICANT: Mr. Jim Lyons we plan to start in Spring of 2018 for Phase 1, would take approximately 18 months, and would put us near the end of 2019 close to 2020. I can't predict the future pertaining to the development by the city but that is Phase 1 and Phase 2 would not be started until the completion and I just not talking about the construction, I'm talking about it being occupied. Mr. Parkers comments except for the fact that the traffic information showed that a commercial property in this area would cause substantial traffic in this area than Multi-family and I realize that it might not all be developed at one or immediately but it could be developed. Therefore, this is going to do something to reduce the traffic in the long run instead of increase the traffic. It is going to take a while in the length of the build out with the quality of construction that is being used.

COMMISSION: Mr. Jim Scurlock stated that Jim when we talked yesterday at the premeeting about the north entrance not being the main entrance and Don Parker talked about the north entrance being the main entrance and south entrance so which is the main entrance. The south entrance is not going to be used for a while.

APPLICANT: Mr. Jim Lyons stated that the northern most entrance is not going to be the main entrance. As it currently stands if the city prefers we use that. Mr. Will Ralph works for Braxton that did the traffic study and he did the study so he can direct you.

APPLICANT: Mr. Will Ralph stated that he was the developer of this project and to clarify what Jim was speaking of – the North entrance is consider the main entrance – primary entrance. The clubhouse is at the entrance. Whether the clubhouse is there or at Glenn Place, I would anticipate that most of our traffic would use that North entrance with the primary vehicle use is going north or coming north. Therefore, that is why we placed the clubhouse there. I certainly appreciate Mr. Parker's concerns about Caraway road. We been working with the city for several months regarding these access locations. Working with Mr. Nichols, Mr. Smith and their team we determined from a safety standpoint and having them lined up provide most safe and proficient movement in this area. If we don't line those up you have five different points in that area with cars going back and forth. Movements aren't as safe and it doesn't operate as well. That is why we lined it up that way and as far as our site plan layout we prefer not a huge deal for us – hope this helps.

COMMISSION: Kevin Bailey asked Mark Nichols to give us comments on the future traffic inputs.

ENGINEERING: Mr. Mark Nichols stated that he would concur also with the alignment of the drives lining up or have a minimum offset with our city ordinance and this would be our best scenario for the drives. Regarding traffic study, to look at full buildout if it would warrant for one and if we were going to get that request and we would have them to share in the cost of that. We don't have an intent on putting a signal at this location in the future we would to know what the volumes would be. As far as the road, improvement along Caraway there is no plans at this time. Our Master Street Plan does call for this to be a Principal Arterial and there are no current plans to do that. As a matter of fact, if it does get widen to five lane, it is less likely to warrant a signal. Really the only volume that trigger the signal it was the right turn on Glenn Place, without the develop; it was the justification for a signal. The development in itself does not warrant a traffic signal. Even if you would put all the traffic on the South Drive. If you would put everybody down there it still wouldn't warrant a signal. Just looking at the layout most people will use the north entrance, it is going to be a challenge to turn left in the am / pm out of the development. The least conflict will be in the main or north entrance so as they have now so we would concur with that.

COMMISSION: Mr. Ron Kelton with the stipulations does that wording need to be changed Carol.

ATTORNEY: Ms. Carol Duncan stated it is vague with a letter describing future traffic signal but I don't want it to cross. I think you could do either it way leave it vague or a letter of contribution for a traffic signal on Caraway Road. I don't want it to look like an impact fee.

COMMISSION: Mr. Jim Scurlock said Jim you said anything do if it doesn't need a light it needs five lane it could go for a road fund.

ATTORNEY: Ms. Carol Duncan said you could accept it as a road fund I just don't want it to be made to look like an impact fee. I don't think we have any method or means for an impact fees.

APPLICANT: Mr. Jim Lyons said we don't have any problems.

COMMISSION: Mr. Jerry Reece said it could be vague so that you can have it which ever way you want it.

APPLICANT: Mr. Jim Lyons stated that you just tell me what you want with whatever Ms. Carol says so that yall are not getting into trouble and we are glad to do it.

COMMISSION: Mr. Ron Kelton stated Mr. Lyons I'm good if the Attorney is good. It is just that we had revisited that and I'm good as long as we get that into our minutes.

APPLICANT: Mr. Jim Lyons this is one time I'm good if the attorney on the other side is good.

COMMISSION: Mr. Ron Kelton do we need to put about the fence to satisfy as one of the stipulations.

CHAIR: Mr. Lonnie Roberts we already have the screening.

ATTORNEY: Ms. Carol Duncan I see it as an agreement with them and the church.

APPLICANT: Mr. Jim Lyons we are going to do that with the church.

ATTORNEY: Ms. Carol Duncan stated city does not have anything with that.

COMMISSION ACTION:

Mr. Jim Scurlock made a motion to approve case RZ:17-08, as submitted, to the City Council with the noted 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.
5. A photorealistic rendering of the property from Caraway Road
6. A letter describing cash-in-lieu payment for a contribution to future Caraway Road improvements
7. A letter evaluating trip generation based on current allowed uses (C-3) versus proposed use (PD-RM)

MAPC find that to rezone property from C-3 General Commercial District to PD-RM Planned Development Residential Multifamily. Mr. Ron Kelton seconded the motion.

Roll Call Vote: 6-0, Aye's: Ron Kelton; Jim Scurlock; Kevin Bailey; Brant Perkins; Jerry Reece and Jimmy Cooper.

Absent: Paul Hoelscher and Rick Stripling.

Conclusion:

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should the Council decide to approve based on the above observations and criteria of Case RZ 17-08, a request to rezone property from C-3 General Commercial District to PD-RM Planned Development Multi Family Residential, subject to final site plan approval by the MAPC and the following conditions:

- 8. 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.
- 9. 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.
- 10. Any change of use shall be subject to Planning Commission approval in the future.
- 11. 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.
- 12. A photorealistic rendering of the property from Caraway Road
- 13. A letter describing cash-in-lieu payment for a contribution to future Caraway Road improvements
- 14. A letter evaluating trip generation based on current allowed uses (C-3) versus proposed use (PD-RM)

Respectfully Submitted for Council Consideration,
The Planning Department

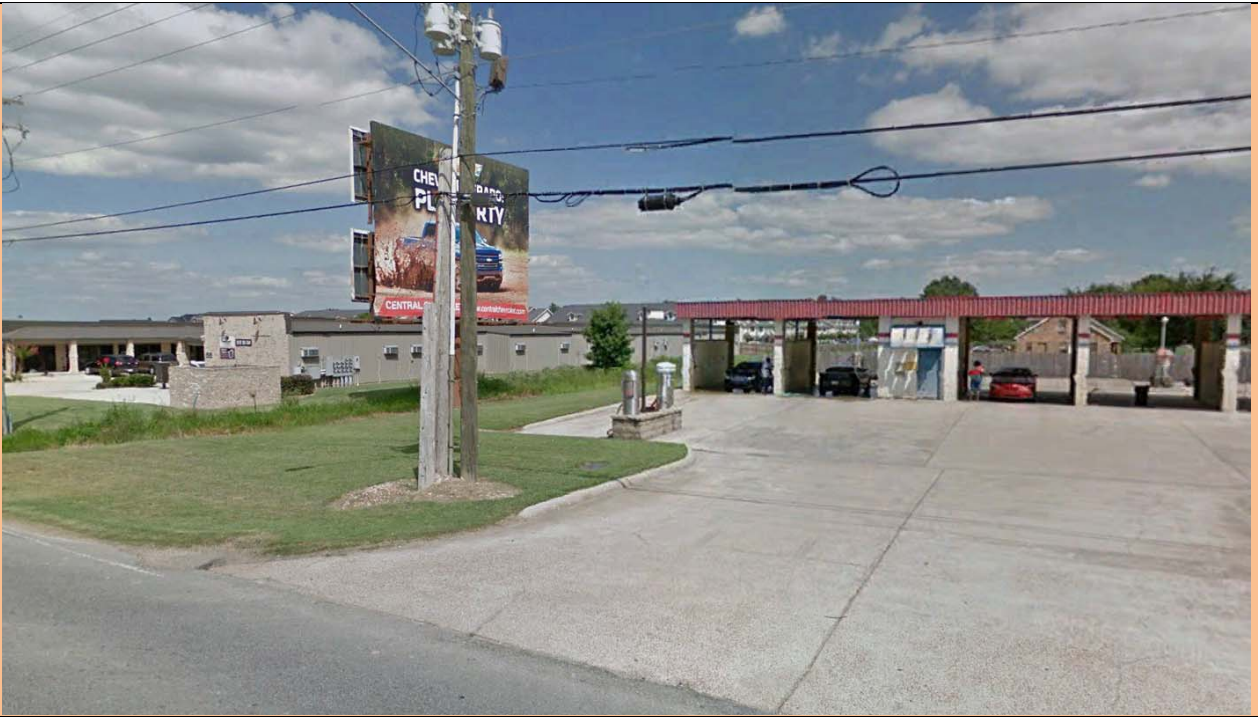
PICTURES OF AREA



View looking North



View looking South



View looking East



View looking West