



City of Jonesboro City Council
Staff Report – RZ 15-01 North Patrick/Daybreak Dr. Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on Tuesday, February 3, 2015

REQUEST: To consider a rezoning of the land containing 25.68 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from “R-1” Single Family Residential District to “RS-7” (12.8 acres), RM-8 (12.88 acres), for single family detached and attach S.F. homes for elderly, by the MAPC.

**APPLICANTS/
OWNER:** Denver Dudley, 2704 S. Culberhouse, Suite A, Jonesboro Ar 72401

LOCATION: 1621 N. Patrick St., Jonesboro, AR 72401

**SITE
DESCRIPTION:** **Tract Size:** Approx. 25.68 (+/-) Acres (Approx. 1,118,516 sq. ft.)
Street Frontage: 878.76 ft. on N. Patrick St. at intersection with Daybreak Dr.
Topography: Patrick Street: Paved/asphalt 2-lane road
Existing Development: R-1 Vacant Undeveloped land

SURROUNDING	<u>ZONE</u>	<u>LAND USE</u>
CONDITIONS:	North: R-1	Vacant Undeveloped Land
	South: R-1	Vacant Undeveloped Land
	East: R-1	Vacant Undeveloped Land
	West: R-1	Vacant Undeveloped Land

HISTORY: Vacant undeveloped Land

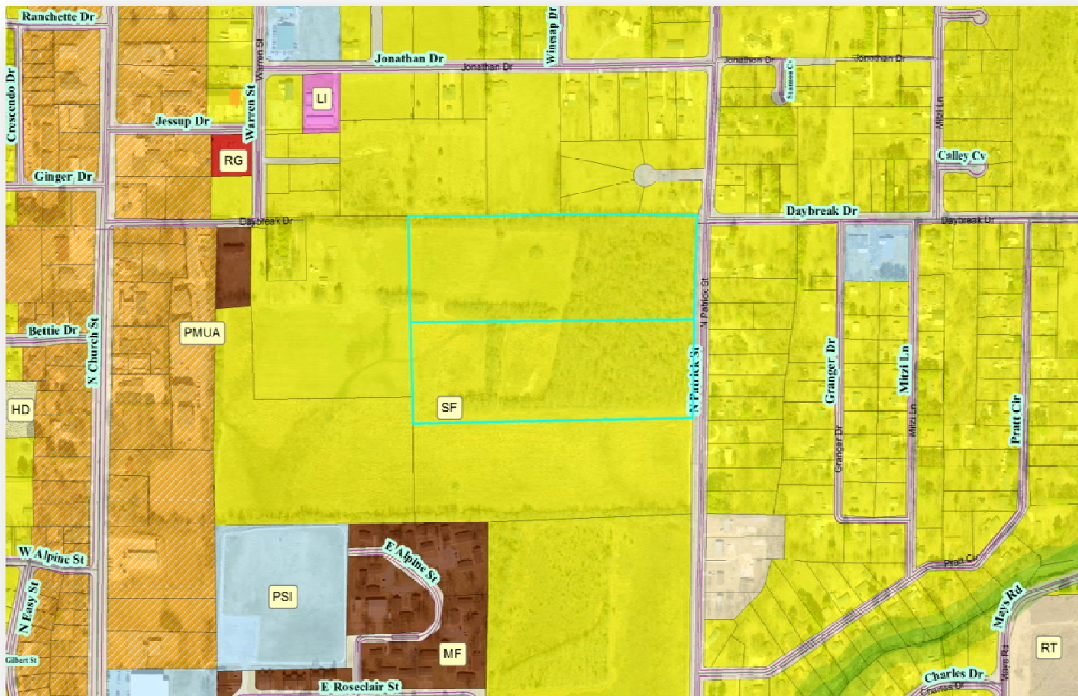
ZONING ANALYSIS

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

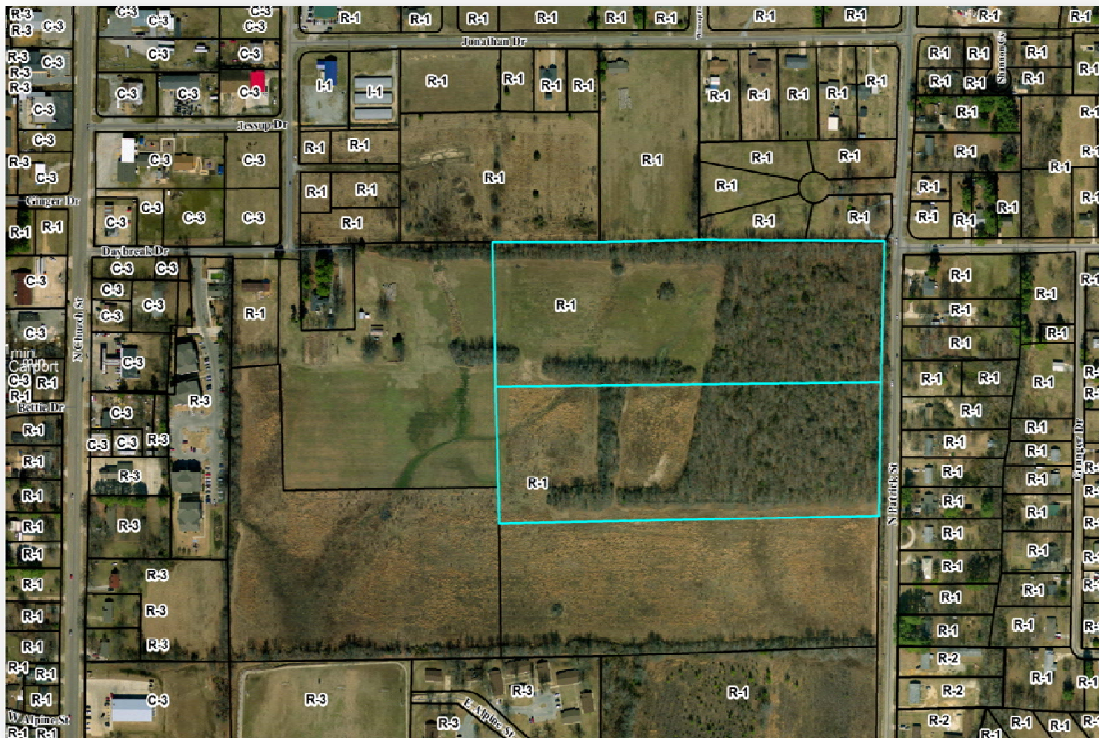
COMPREHENSIVE PLAN FUTURE LAND USE MAP

The currently adopted Land Use Plan recommends the current site as Single Family Residential. Consistency is partially achieved and partially not with the proposed development. Land to the West and South accommodates multi-family dwellings.

Site



Adopted Future Land Use Map










Vicinity/Zoning Map

Master Street Plan/Transportation

The subject property is served by Patrick Street on the Master Street plan, which is classified as a collector road, which requires a 40 ft. right-of-way to road centerline (80 ft. total right-of-way). The property also fronts on Daybreak on the north, which is a minor arterial street requiring a 50 ft. right-of-way to road centerline per the Master Street Plan. Compliance with the Master Street Plan shall be required.

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 RS-7 District rezoning is consistent with the Adopted Land Use Plan, which is categorized as Single Family Residential. The RM-8 district although not consistent as a whole development falls in line from a definition standpoint of “Multi-family”, because a duplex is not considered multi-family by definition. The applicant’s intent is to provide a small amount of “Attached Single Family” for elderly in need of affordable housing.	 
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal achieves consistency with the purpose of Chapter 117, as a Limited Use Overlay. The applicant proposes on the Single Family Homes (40): 7 units per acre. On the RM-8, they propose 8 units per acre as duplexes (25).	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. A similar development exists further south, which promotes affordable, low income housing and elderly housing.	
(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 property access and property management.	
(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 this 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 vacant land that has never been developed.	
(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 in surrounding area. The applicant has proposed a plan to include open space and child play area. North Patrick has existing safety and traffic issues.	

Staff Findings:

Applicant’s Purpose:

The applicant hopes to accommodate new development and construction of Single-Family Elderly Housing needed in the area. These units would provide housing opportunities for low-income and elderly individuals. Proposed are 7 units per acre (duplex), lot size is 13,270 square feet.

Using the density calculation, the property could average 89 single family homes and 102 attached single family/duplex style units. After discussing ultimate density levels with the developer, the maximum units has been agree upon at a rate of: Maximum 40 single family homes (families or doors), and a maximum of 25 attached single family/duplex style units (50 families or doors).

Traffic, due to this project, would be comparable with residential development and should have minimal impact on these services.

ZONING CODE ANALYSIS:

The applicant has requested a change to the RS-7 Single-family residential district; minimum 6,222 sq. ft. lot required (7 single units per acre); and, RM-8, low density multifamily residential classification at eight units per net acre.

<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>
RS-7	50	6,222 s.f. per single family	20	20	7.5 each
RM-4	50	10,890s.f. per dwelling unit	20	15	7.5 each
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
RM-16	80	2,722s.f. per dwelling unit	25	20	15.0

Record of Proceedings: MAPC Public hearing held on January 27, 2015

Applicant: Mr. John Easley, Associated Engineering, appeared before the Commission representing the owner, Bonnie Goad. Mr. Easley stated that they are asking for a rezoning for 2 tracts of land: North Tract as “RS-7”, Single Family Homes (for 12.8 acres); South Tract to “RM-8” (for 12.88 acres), for single family attached homes for elderly. The single family lots will average over 8,000 S.F. in size.

Steve Perry, of KWL Properties, offered renderings to the board for review. He went on to explain the proposed project: Briarwood Estates is the single family property and Emerald Village is the elderly property. The elderly property is for elderly who are 55 years of age and older and low income (60% of area meeting income or lower). There will be an office and community room for each development and staff on-site that will manage the property.

Heather Walker-Clark, City of Jonesboro Grants and Community Director, offered to answer any questions regarding housing stock. In 2012, there was a study conducted and results of the study found that we had 313 elderly persons that had unmet needs. They needed low-income housing and it was not available. Commissioner Kelton asked, “If all of these individuals would qualify for this type of program?” Ms. Clark replied, “Yes they would.”

Mr. Scurlock asked, "How would the owner keep control of the property and what happens when it goes to disrepair?" Mr. Perry answered by informing the Commission that if the property is not rented, he loses the tax credit. It is 15 year compliance period; his investor sees that the property is in good shape. After the 15 year compliance period the property can be rehabbed back into the program or sold out to the tenants who live there. He also said this program is different and very aggressive. They have the right to evict tenants if needed and they are very selective, which means “better tenants”. These residents take care of their homes and are proud of it.

Ruby McKinley, 512 Melrose, Apt. C., Chair for the Board, for the North Jonesboro Neighborhood Initiative (NJNI). Ms. McKinley expressed the goal of the NJNI which is to facilitate the involvement of low income individuals and manage the decision making process. On behalf of those 100 plus residents, many of whom could not attend the meeting, because of work or elderly conditions. We would like to express our support for Emerald Village and for Senior Citizens of Briarwood Estates. Ms. McKinley further added that the elderly of North Jonesboro do not have affordable housing readily available and Emerald Village would really be an asset. This project will provide better living conditions that most of our elderly are currently able to afford. These attached homes will provide independent living while having the assurance that there is a neighbor in the attached home next door. We have seen the work of this neighborhood and the single family product will be an asset to our neighborhood.

Mr. Hardy Little, 3910 S. Culberhouse St., Local Architect appeared before the Commission stating that he is working with Mr. Perry. He mentioned he was on Planning Commission a long time ago and we had a Tax Credit product that concerned us, the main concern was on the product used on the exterior of the buildings (life expectancy). The materials used for this project are under the standards of the Arkansas Development Finance Authority. The materials we use are as good as what I have on my home; i.e. brick faces, fiber cement type siding, 30 year roofing, energy efficient windows etc. He noted that he wanted to bring this concern up to assure the Commission that is *not* a concern. Mr. Perkins asked, “Are the drawings/renderings shown the actual examples of what will be built or just prototypes of other places?” Mr. Little stated, “They are the units he has been designed for this project and will be turning in.”

Staff:

Mr. Spriggs gave an overview of the case facts provided in the Staff Report. 25.68 acres are currently zoned R-1 to be rezoned to the RS-7 and RM-8. The area is surrounded by R-1 Single Family, with multifamily located to the south and west of the property on the Church Street and W. Daybreak Road area. Mr. Spriggs noted that the Land Use Plan is partially being complied with regarding the single family homes; however the attached single family homes, although do not fall under the definition of multi-family, may not be consistent in total. They would be consistent in the level of low density. The average number of homes allowed today under the R-1 Single Family would be 5.6 homes per acre.

Mr. Spriggs continued: The applicant is requesting approval of the 25 duplexes and 40 homes. Traffic would be a concern in the general area with the lack of curbs and gutter and open ditches and narrow width of N. Patrick St. The applicant will be asked to satisfy the requirements of the Master Street Plan, and we hope that they will anticipate the widening of N. Patrick and accommodate pedestrian sidewalks along their property frontage, which are a major need for this vicinity and area. The zoning standards table was displayed which illustrates the parameters of each district requested.

Other agencies and departments were forwarded the petition for comment and no issues were reported from the M.P.O. or other departments. The Jonesboro School District was also copied on the agenda/item for comment as well. Photographs of the general vicinity and housing stock were showed.

The conditions were read.

Public Input: Opposition

Carolyn Tinsley, 1005 Darlene Drive, stated comments from the Master Street Plan of the requirements for Patrick and Daybreak. Right now Patrick is a 20-24 wide street with deep ditches and a double line going down the center. N. Patrick was not paved by the City, but was paved by the County prior to annexation. Ms. Tinsley stated that we should upgrade Patrick from a county road to City specs before considering rezoning this property or any other property on N. Patrick for multi-family. The owner has agreed to the street's rights-of-way, and sidewalks along the property frontage, what about the rest of N. Patrick Street. Not one new light has been added, not one inch of pavement has been added since the City annexed this road. She stated issues of the street, not having shoulders and putting people in danger because they have to walk in the middle of the street. Let's correct the drainage issues now. She presented photos (since 2005) of an accident and flooding problems. She added problems of having a busy street and school/buses that go down N. Patrick.

Mr. Garry Tate, 2808 Danlee Dr., stated that traffic is the major concern. He commented on the Ridges of Jonesboro project, that got by without sidewalks or widening the road. If the zoning is approved and they only use 6 acres of the ground, what happens in the future if they sell it and want to build even more units. He noted that he serves on the Future Road Committee and their number one priority going to Council is to widen Patrick St., but funding is a problem. Without a tax similar to the MATA program, I do not see that happening for the next 10-12 years, regarding financing a street. Because of the multi-family and the traffic volume and the fact that they are asking for a rezoning that far overreaches what they plan to build. The streets are unsafe and not well lit, with several reported accidents, Mr. Tate ended.

Wayne Blake, 1406 N. Patrick St., stated that he applauds the idea of them wanting to serve the needs of low income elderly and provide affordable housing. He stated his concerns about the

traffic issues. It seems to his memory that when they allowed the last project that they weren't going to allow anymore similar projects, until the road and drainage is taken care of. Safety is a concern. Road improvements should be tied to the development of this property. Have no objections to the housing.

Mr. Tate: Added that Garden Manor was a tax credit project. We do not need another Garden Manor like West Memphis and Memphis.

Gary Smith, 2111 Mitzi Lane, stated traffic is a heavy concern and the fact that there are no walk ways.

Steve Gillis, 3111 Beanie, Bennett Addition, stated it is not an inch wider than it was 26 years ago. About 3 years ago, during the time of another rezoning case, he spoke with the former chief of police and he said we do not have the infrastructure to take on another project in that area. Not just roads but policing and fire.

Norma Ferrel, 108 E. Warner, stated she was a home owner. She told of an instance of someone that is on a 2 year waiting list before getting housing. The need for housing is in the area.

Mr. Spriggs gave notice to the attendees that the Master Street Plan and Land Use Plans will be made available to the public for review on February 2, 2015 and February 9, 2015 at 5:30 PM in the Municipal Center Lobby. The audience was urged to come out and see the documents and give input and make comments.

Mr. Spriggs also gave comments regarding the public comments and concerns about the capacity for the zoning districts in which they are asking, in regards to the maximum build-out of the property. They are requesting particular zoning districts for both housing products, and staff is requesting a revision to the Limited Use Overlay, which will control the fact that if it were approved, they would not be able to go over the thresholds (maximum number of units/40 single family homes and 25 attached single family homes) as listed in the conditions. This means that they would not be allowed to later convey off portions of the acreage and obtain additional units in the future.

Mr. John Easley added that they are not using the entire property, they will be using it for drainage structures and mitigation; the rest the acreage on the south will be the 25 lots. Chairman Roberts asked for explanation on the drainage as commented by the public. Mr. Easley replied that the bulk of the property drains from Patrick back to the West, and it leaves the property at about the southwest corner. In the southwest corner is a drainage facility. As far as the ditch along Patrick St., we will make improvements along the property frontage, making whatever required improvements to the existing open ditch to make it safer.

Mr. Bailey asked about entry and egress off of N. Patrick St. Mr. Easley explained that there will be one entry off of Patrick from each tract, i.e. a road down the middle with lots on each side. The south lot will be a road down the middle with a cul-de-sac, because of the drainage structure in the rear.

Mr. Harold Tensley added that if you look at those pictures, the drainage ditch is larger north than it is from their property to Lost Creek Ditch. That is one reason why water backs up.

Mr. Tate reiterated comments about the lack of funding needed to improve Patrick Street and the time element to obtain that funding.

Chairman Roberts closed public debate.

Commissioner's Deliberation:

Mr. Bailey asked for a synopsis of North Patrick Roads improvements. Mr. Morris stated that Engineering has done some surveying on North Patrick and has determined the needs and priority of the work needed. It is on the list, but it is unknown about funding sources and timing.

Mr. Cooper asked the developer if he understands the stipulations being placed on him and does he agree to satisfy those?

Mr. Perry answer, "Yes, he understands, and he does agree". He stated that there will be sidewalks in front of the property.

Mr. Paul Hoelscher asked the developer related to the single family, does the rental policy allow rentals to two or more unrelated residents? Mr. Perry replied that all occupants have to be on the lease. He just dealt with this very same management issue, which is very serious in a development done a year ago. A full background search is done on the occupants, and if someone's moves in unknowingly, then it is a lease violation, resulting in eviction. There is a property manager that lives on the premises to monitor this. The new person is vetted by an additional background search.

Mr. Ron Kelton: Are you familiar with the federal and state Fair Housing Laws? And, will this be in compliance with both? Mr. Perry: Yes. Mr. Kelton asked will he provide the City with his letter from H.U.D. regarding the elderly housing limitation. Mr. Perry explained that he will obtain that letter from ADFA who receives that letter from H.U.D. The I.R.S. and the Tax Credit Program is administered by the Arkansas Development Finance Authority, of which he has a Fair Housing Certification, which he had to complete that course which is required in his application including the architect, engineer, Management Company, and other key personnel.

Mr. Reese: If this acreage were developed currently under the existing R-1 Zoning, how would the traffic affected by this type of proposal in comparison? Mr. Roberts calculated that at 5.6 units per acreage it would be 148 units approximately. Mr. Spriggs replied that with more homes, the impacts would be the same or worse because of the added households. Mr. Spriggs noted that the calculation is a gross density calculation which would be reduced by 15% to accommodate street and infrastructure improvements. With the elderly component, this development would be a less traffic impact than what is allowed today.

Public Comment:

Julia Lansford, Bennett Addition, stated that for 30 years she lived on Scott Street, that was engulfed with apartments, low income, and all kinds of different types of living. She moved to Bennett Addition with all that space, and she is concerned with the future of the area with the space left.

Commission's Action:

A motion was made by Kevin Bailey, to place Item RZ15-01 on the floor for consideration, a change from R-1 to RS-7 and RM-8, subject to the 4 conditions as read, seconded by Jimmy Cooper, that this matter be recommended to Council for approval. The motion PASSED with the following vote:

Roll Call Vote:

Mr. Scurlock- Aye (Commented that the people should have the right to do what they want with the land, as this is reasonable. He added that he would like the MAPC to make a resolution or comment to the City Council that N. Patrick need to be widened, and the ditches need to be cleaned, and we need to address the issue and not kick the ball down the road); Mr. Hoelscher- Aye; Mr. Perkins- Nay; Mr. Cooper- Aye; Reese- Aye; Kelton- Aye (Commented that he sees this as a Fair Housing issue; the demand for additional affordable housing for the elderly, based upon earlier statements, Government entities, or any political subdivision entities have the obligation under both the Federal and the Arkansas Fair Housing Act, to make reasonable accommodations for the needs of those who are disabled, those who are elderly, etc. He drove the road today and all of these people are right, that the road is a nightmare and needs to be a priority of the City); Mr. Bailey- Aye (agreeing with the previous comments, noting he grew up on Warren St., along Lost Creek, the City has to do with the road. For the reason we are limiting the use of the property and number of housing); Ms. Shrantz- Aye.

7-1 Vote: Measure Passed.

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:

Department/Agency	Reports/ Comments	Status
Engineering	No issues reported to date.	
Streets/Sanitation	No issues reported to date.	
Police	No issues reported to date.	
Fire Department	No issues reported to date.	
MPO	No issues reported to date.	
Jets	No issues reported to date.	
Utility Companies	No issues reported to date.	
School District	No issues reported to date.	Staff t emailed agenda/ report and request for review.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, should be approved, based on the above observations and criteria of Case RZ 15-01, a request to rezone property from “R-1” Single Family to “RS-7” L.U.O., Single Family” and “RM-8”, L.U.O. (Modified), Low Density Multi-Family” with the following conditions 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.
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 Daybreak Dr. and N. Patrick St. upon any future redevelopment of the site.
The property shall be redeveloped under the RS-7 L.U.O., and the RM-8 L.U.O., District standards: Maximum 40 single family homes (families or doors), and a maximum of 50 attached single family/duplex style units (families or doors).

4. The owner agrees to perform agreed upon street right of way improvements including sidewalks for pedestrian safety along property frontage.

Respectfully Submitted for Council Consideration,

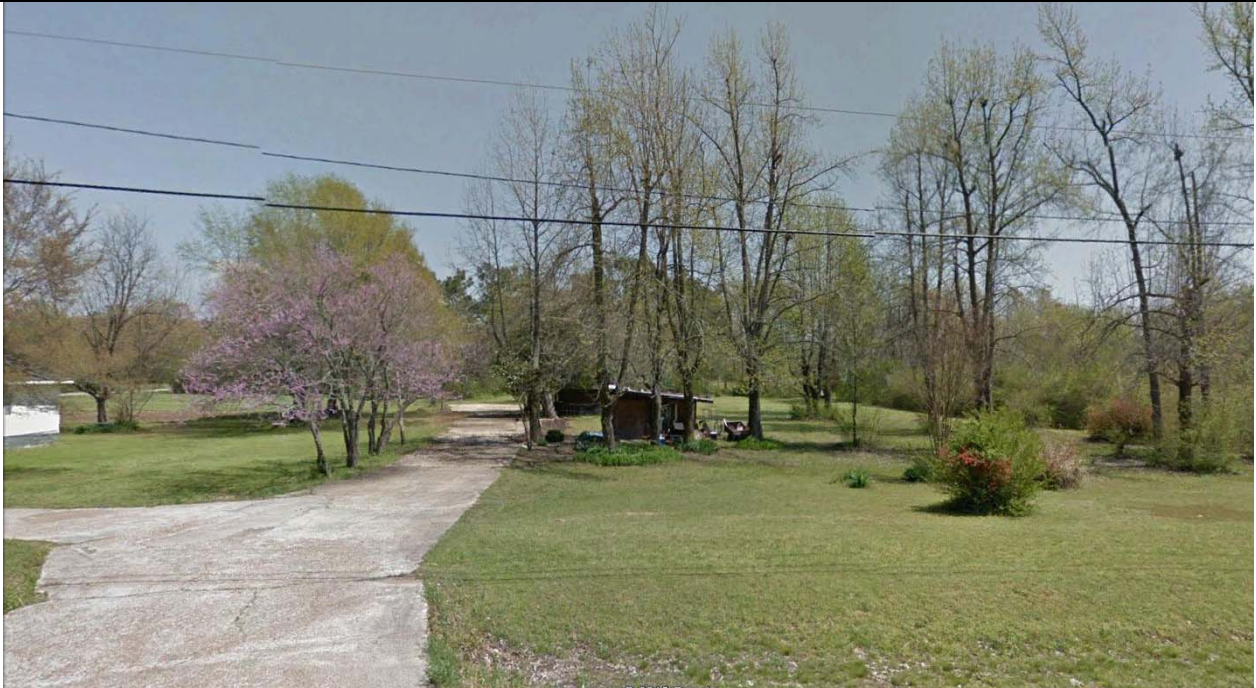


Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking from of the property facing North.



View looking from front of the property facing East.



View looking from front of the property facing South down Patrick Street.



View looking from Patrick Street facing toward the property.



Looking at the front of the property.



In front of property looking South down Patrick.



Looking from Daybreak across from property.



Looking from Daybreak South down Patrick.



Looking from Jonathan south toward property.



Looking North from lot across from property.