



City of Jonesboro City Council
Staff Report – RZ 11-01: 2225/2227 Belt St. Ouyang
Huntington Building - 900 W. Monroe
For Consideration by the Council on March 15, 2011

REQUEST: To consider a rezoning of a parcel of property containing approximately 1.32 acres more or less from R-1 Single Family to RM-6 Low Density Multi-Family and make recommendation to City Council.

PURPOSE: A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as **RM-6 L.U.O. (Max 7 units)**.

APPLICANT/ OWNER: Yungho Ouyang 3114 Prairie Dr. Jonesboro AR 72404

LOCATION: 2225/2227 Belt St.
 (Intersection of N. Caraway Rd./Belt St.-Southwest Corner)

SITE DESCRIPTION:

Tract Size:	Approx. 1.32 +/- acres, 57,622 Sq. ft. +/-
Frontage:	Approx. 390 ft. along Belt St.
Topography:	Predominantly Flat, Gently Sloping
Existing Dvlpmt:	2-Duplexes with Unknown Non-Conforming History

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-2	Single Family Residential
South:	R-1/R-2	Residential
East:	PD-RM	Grove Apartments
West:	R-1	Church

HISTORY: Rental property has 2-Duplexes with Unknown Non-Conforming History

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

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.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as a Single Family Residential District Area.

This planning area has been highlighted to remain single family. There are numerous apartment complexes surrounding the property as well as within the vicinity.



Zoning/Vicinity Map

MAPC RECORD OF PROCEEDINGS: Hearing Held on February 8, 2011:

Applicant: Mr. Paul Bednar spoke on behalf of the owner Mr. Ouyang.

Mr. Bednar stated that he met with the Planning and Engineering Staff. He has had Carlos Wood, Engineer, look at the site and draw some preliminary plans on the parking layout. The surrounding area is R-2- Multi-family and there is one adjacent rental house. This is an island that is surrounded by Multi-family units. He is asking to improve the property and add a duplex in the middle of it, which will be approximately 800 – 1,100 sq. ft. in area. We ask for your approval in changing this zoning.

Staff Comments: Mr. Otis Spriggs noted the staff report findings. RM-6 Low Density Multi-family is requested at 6 units per acre; Staff is requesting a modification of the request to RM-16 L.U.O. to accommodate the need of placing any conditions or restrictions of the Commission on the site; this would make that possible. Staff has listed a number of concerns on the acreage (referring to the rezoning plat). There are 1.07 acres listed. They, as noted, plan to add 2 apartment units. We have discussed the parking and the applicant has demonstrated that they can comply. Staff does not have any issue with the requested density of 6 units per acre, given that the area is zoned appropriately with the surrounding apartments existing. Staff requests the L.U.O. recommendation with the 4 conditions.

Mr. Bednar noted that a sketch plan was submitted and he scaled-in where the parking would be located. The plan was pulled from the file and distributed to the Commission. Mr. Roberts asked the applicant if he plans to do anything else on the other side of the ditch?

Mr. Bednar replied, No. This seems to be the best plan at this point; we don't want to create any drainage problems. The unit on the Caraway side is an existing multi-family unit. Mr. Spriggs asked if the applicant is aware of the regional drainage plan in that area? Mr. Bednar noted yes. We are not touching that. Mr. Spriggs noted that the City does not have a necessary drainage easement through this site to link drainage to the north and south. In the past, the City has attempted to negotiate and submit a check to the owners to obtain the easement, but they were not willing to participate.

Mr. Bednar asked the owner for consent and noted that they would be willing to work with the City on that. It is to no benefit to Mr. Ouyang. We do not want to cause any drainage problems down the road. We would ask the City to put in that easement that should we rework that end building, we would be allowed to move the ditch. Mr. Michael Morris from City Engineer stated that they would like to have the easement.

Mr. Spriggs asked the applicant if they concurred with the recommended conditions of the staff report. They were read, the applicant concurred.

Motion was made by Mr. Kelton to recommend approval to the Council with the recommended conditions from R-1 to RM-6 L.U.O., Maximum 6 units per acre. Motion was seconded by Ms. Norris.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Scurlock-Aye; Norris- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye.

Action: Passed with 5-0 Vote.

MAPC RECORD OF PROCEEDINGS: Hearing Held on March 8, 2011:

Mr. Spriggs introduced the case and explained the request for reconsideration. The applicant had concerns on the MAPC previous approval on restricting future subdividing of the lot, and also the increase of the density by one additional single family.

Mr. Hoelscher asked for more details on the request. **Mr. Spriggs** noted that the applicant requested a rezoning to RM-6, maximum 6 units per acre to allow for a duplex to be placed between the existing two structures. MAPC placed a restriction that the parcel not be further subdivided. They are requesting an allowance of 7 units instead, to allow the opportunity to develop the vacant area to the west of the existing buildings as a single family home.

Mr. Roberts asked if the proposal for the single family will be west of the drainage easement? **Mr. Carlos Wood** noted that it would be west of the drainage easement and will be a 70 ft. wide lot.

Mr. Spriggs: Given the gross density which was 1.32 acres prior to the dedication of right of way, the overall density would equate to 7 units, (at 6 units per acre density level) under the requirements for RM-6.

City Attorney Carol Duncan clarified the language of the MAPC Bylaws, dealing with reconsiderations. She noted that if this is an amended application, the bylaws read: 6.b. b. Reconsideration - Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (new fees, legal ad, and adjacent property owners re-notified so that they may have an opportunity to hear any new evidence and to be heard).

Mr. Halsey: If you consider it an amended application it may have to come back next meeting as a new application. **Mr. Wood** asked if we leave it as-is could we come back later and ask for that provision to be removed through the MAPC or City Council? **Mr. Spriggs** stated that once it leaves here, you can decide to move forward to City Council and ask for a modification to the recommendation. Since this has gotten complicated, you should perhaps take the original MAPC recommendation to City Council and ask for the additional single family inclusion with the revised conditions.

Mr. Roberts: Was the City granted the easement on the drainage that was mentioned? **Mr. Spriggs** stated the owner is now in agreement to grant the easement which is sketched on the revised plan.

Mr. Bednar: this issue was in part a misunderstanding on my part. I didn't understand that restriction was in there. It was my misunderstanding, I am deaf in one ear. At a later day I stated that this could be with another unit. I didn't realize this was being locked in. Carlos Wood could not make the last meeting. The communication was my fault.

Mr. Spriggs: Because of the process for reconsideration, I do not think they want to come back next month. MAPC may take a poll of the Commission that we would forward to Council: that we attempted to do reconsideration, we do not have the provision to move forward because of the bylaws.

Mr. Scurlock noted that it was important that this was done in regard to the drainage area and we were being careful not to affect someone else's property. **Mr. Wood:** there is sufficient amount of area to the west side to put a building on the west side.

Action: Informal poll of the commission to recommend a modification to the approval to RM-6, 7 units maximum.

Informal Poll Vote: Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye.

Findings:

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to RM-6. Although the subject property abuts a single family residence, 1.32 acre site will remain low density with the addition of the duplex (see rezoning plat).

The applicant has expressed a desire to retain the 2 existing structures on the property (4 units). The site is irregular in shape and has some development constraints such as lot dept to the east and a drainage ditch to the west.

The City Engineering department has attempted to purchase easement along the ditch swale to accommodate a necessary drainage channel unsuccessfully with the ownership. That easement remains preferred.

Staff has concerns about the future development of this lot in terms of over developing with too much density. Although 6 units are being proposed, staff cautions the Commission that a limited use overlay should be applied in this instance to assure that a future site development plan is reviewed by the Planning Commission and that the location of the proposed structure does not compromise good land use planning. Future lot subdividing is a concern from Staff as well.

Conclusion:

The Planning Department Staff and the MAPC find that the requested Zone Change submitted by Yungho Ouyang, should be evaluated based on the above observations and criteria, of Case RZ11-01 a request to rezone property from R-1 & to **RM-6 L.U.O.** (modified) and is recommended to the City Council with the following stipulations:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 1.32 acres.
4. That the density shall remain at 7 units maximum.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking North along N. Caraway Rd.



View looking West of subject property rear yard.



View looking East from rear yard of The Grove Apartments.



View looking North in between existing structures on subject property..



View looking North of adjacent apartments..



View Looking Southeast of drainage easement leading to detention basin.



View looking North of more apartments adjacent from subject property.



View Looking South at Subject Non-Conforming Structure/Home