

City of Jonesboro City Council
Staff Report – RZ 20-01 400 E Highland
Municipal Center - 300 S. Church St.
For Consideration by the Council on February 11, 2020

REQUEST: To consider a rezoning of one tract of land containing 2.42 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “C-4” Neighborhood Commercial District Limited Use Overlay to “C-3” General Commercial District Limited Use Overlay.

APPLICANTS/ OWNER: **James F. Gramling, Jr**
 Ditta Enterprises, Inc., 3620 Stadium Blvd, Jonesboro, AR 72404

LOCATION: 400 E. Highland Drive, Jonesboro, AR 72401

SITE DESCRIPTION: **Tract Size:** Approx. 2.42 Acres
Street Frontage: 280.01 ft. – Highland Drive / 377.39 ft. – Wofford Street
Topography: Predominately flat with slight hill slope
Existing Development: Vacant Land

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	C-3 General Commercial District
South	R-1 Single Family Residential – ASU
East	R-1 Single Family Residential – ASU
West	C-3 General Commercial District

HISTORY: Vacant and Owned by the Bank on the adjoining property.

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 Modern Intensity Growth Sector. A wider mix of land uses is appropriate in the **Moderate Intensity Growth Sector**. Good Building Design, use of quality construction materials, and more abundant landscaping are important considerations in what is approved, more so than the particular use. Limits on hours of operation, lighting standards, screening from residential uses, etc., may be appropriate. The proposed rezoning is consistent with the adopted Land Use Plan for the proposed zoning.

MODERATE INTENSITY GROWTH SECTORS - RECOMMENDED USE TYPES INCLUDE:

- Mix of Single Family, Duplexes, Triplexes and Fourplexes
- Neighborhood Retail and Service
- Office Parks
- Smaller Medical Offices
- Libraries, schools, other public facilities
- Senior Living Centers / Nursing Homes
- Community-Serving Retail
- Small Supermarket
- Convenience Store
- Bank
- Barber/Beauty Shop
- Farmers Market
- Pocket Park

DENSITY: *1/5 TO 1/3 Acre Lots for Single Family*

No More than six dwelling units per acre for Multi-Family. Multi-Family should only be allowed on collector and above streets that have been improved or scheduled to be improved in the next construction cycle of city projects unless the developer is willing to build the roads to Master Street Plan standards that serve the development.

HEIGHT: *4 Stories*

TRAFFIC: *Approximately 300 peak hour trips (Commercial Only)*

EXAMPLES:



Fig. 13: Example Moderate Intense Type- Retail Service



Fig. 14: Example Moderate Intense Type- Retail Service



Fig. 15: Example Moderate Intense Type- Small Lot Res.



Fig. 16: Example Moderate Intense Type- Retail Service



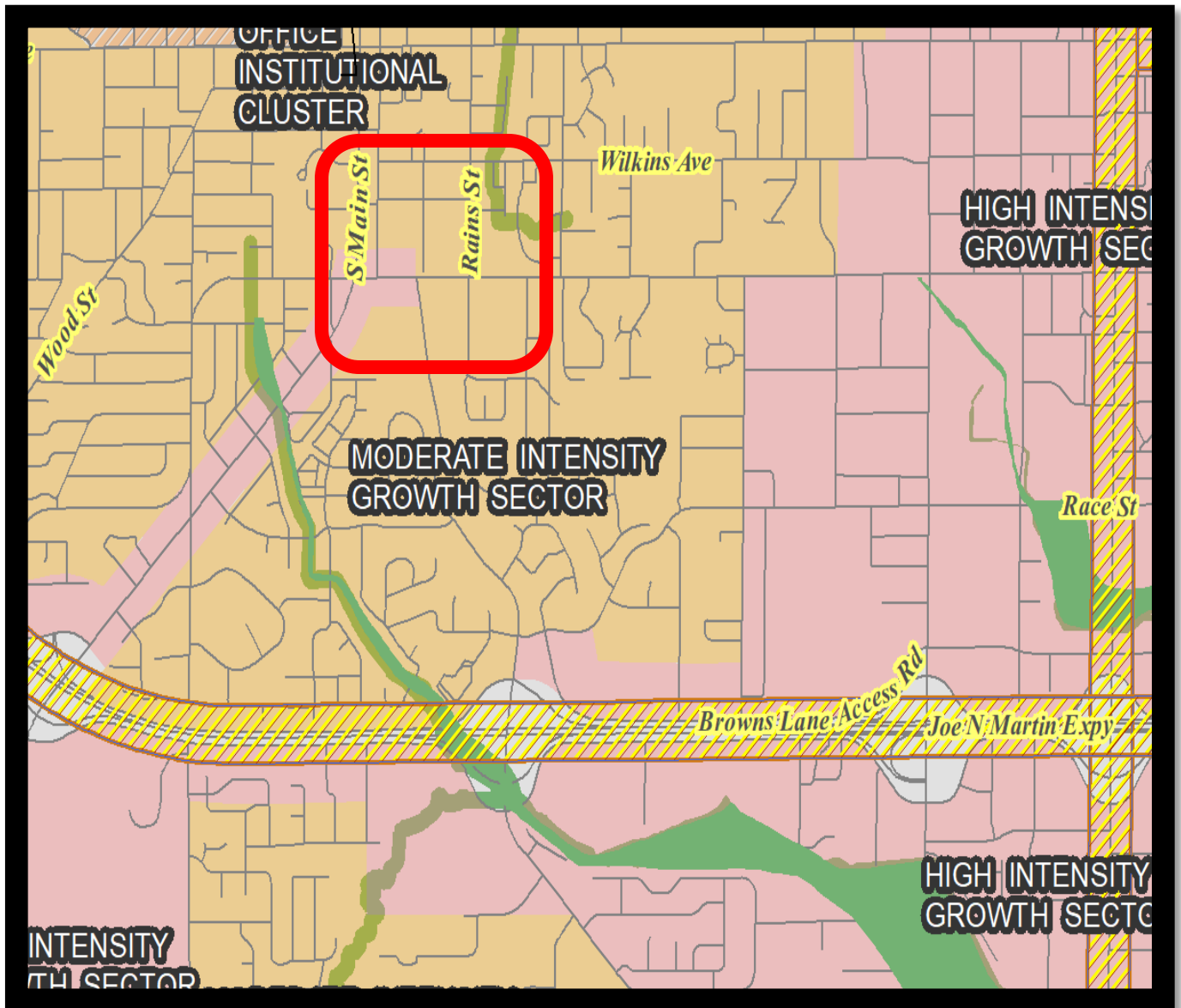
Fig. 10: Example Moderate Intense Type-Nursing Home



Fig. 11: Example Moderate Intense Type- Retail Service

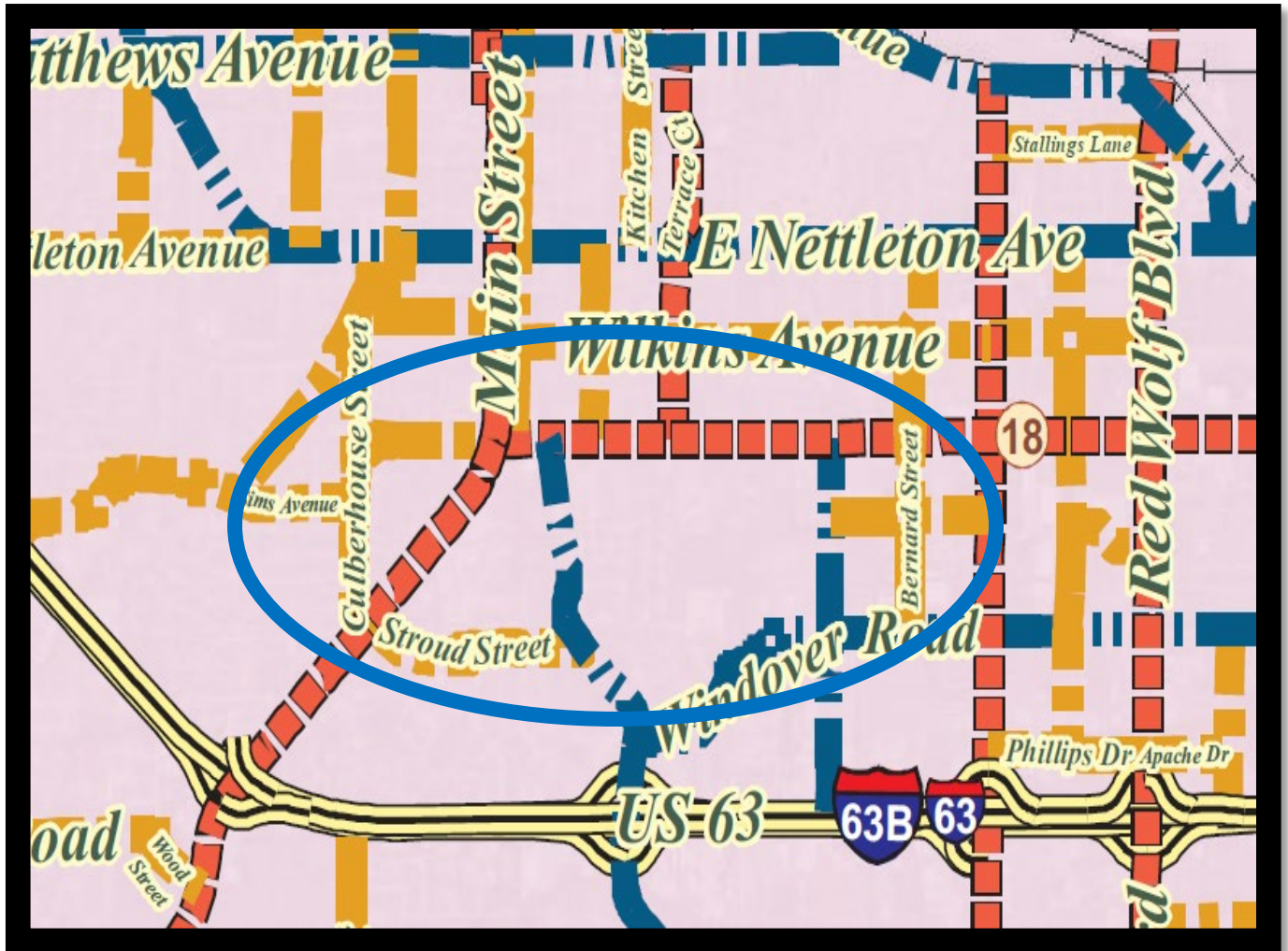


Fig. 12: Moderate Intense Type- Retail/Office



Land Use Plan

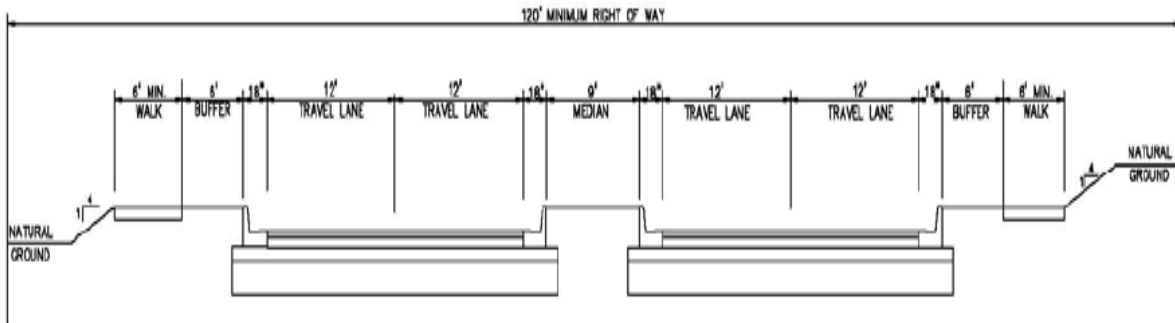
MASTER STREET PLAN/TRANSPORTATION



Master Street Plan Map

Master Street Plan/Transportation

The subject property is served by Highland Drive and Wofford Street. Highland Drive on the Master Street Plan is classified a Principal Arterial. Principal Arterials provide both long distance connections through the urban areas and to major traffic generators within the community. Roadways are designated principal arterials to imply the need to focus more on moving traffic rather than providing direct access to adjacent land. Wofford Street is classified as a local Street. The Local Street function is to provide access to adjacent property. The movement of traffic is a secondary purpose. The use of a Local Street in a residential area by heavy trucks and buses should be minimized. The standard Local Street is to be used in all cases.



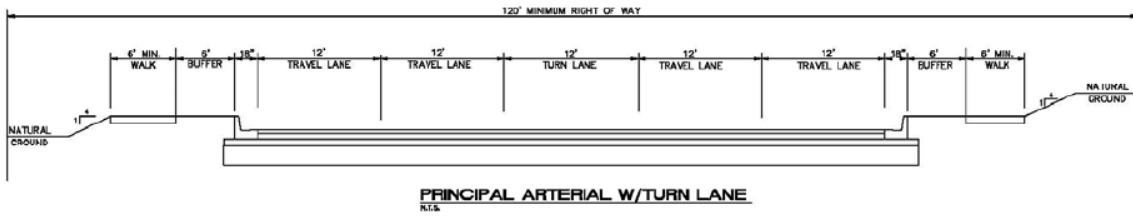
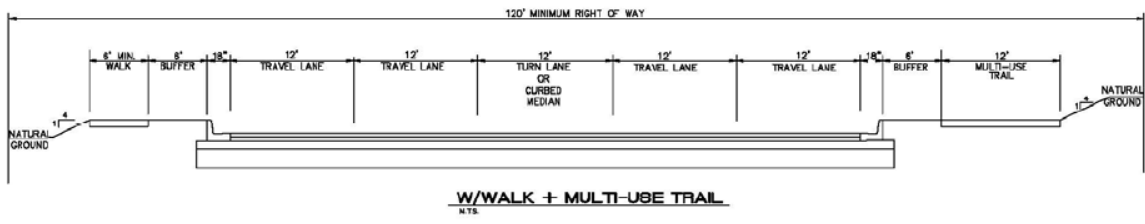
PRINCIPAL ARTERIAL W/MEDIAN

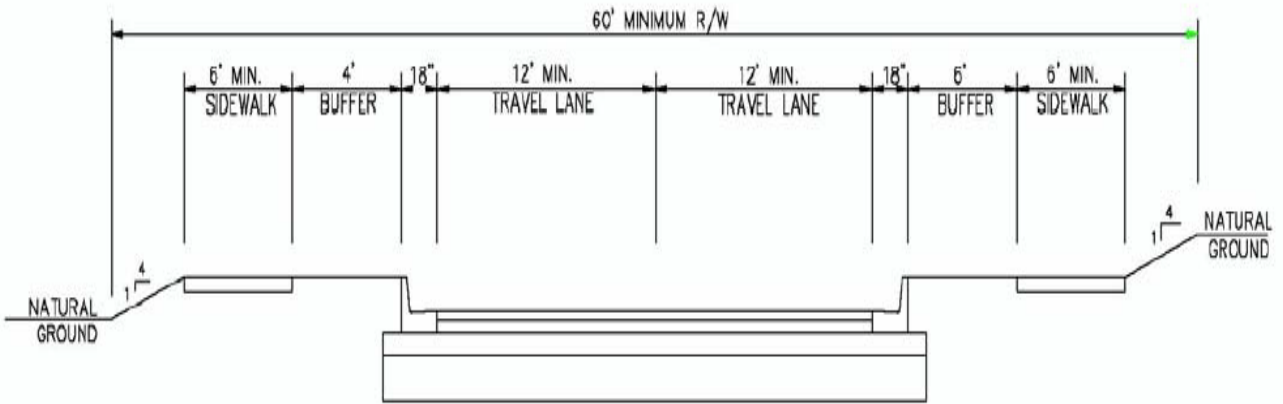
N.T.S.

DESIGN STANDARDS:

Design Speed	45 mph
¹ Lane Width	10 - 12 Feet
Maximum Centerline Grade	7%
Minimum Stopping Sight Distance	475' or latest AASHTO Policy on Geometric Design Manual
Min. Horizontal Radius at Centerline	1400' (normal crown)
Min. Horizontal Radius at Centerline	850' (super-elevated)
Min. Horizontal Tangent Distance between Reverse Curves	400'
¹ Service Volumes	7,000 - 27,000
Standard Right of Way	120'
Intersection Curb Radius	30'
Sidewalks Required	Both Sides
Driveways	Deceleration Lane required

OTHER PRINCIPAL ARTERIAL DESIGN OPTION:





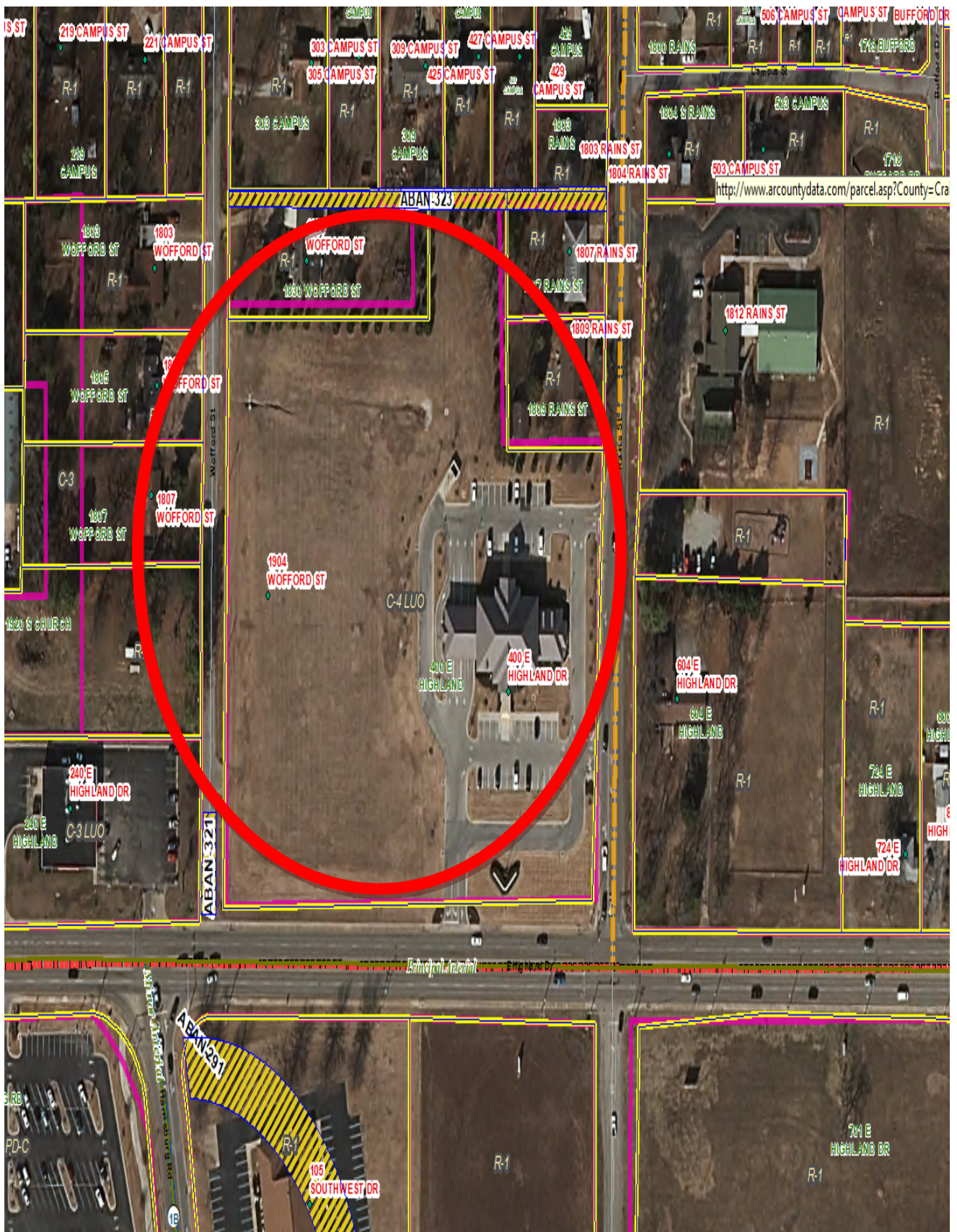
LOCAL STREET SECTION

N.T.S.

NOTE: MINIMUM PAVEMENT WIDTH FOR ALTERNATING SIDE, ON-STREET PARALLEL PARKING IS 28 feet back-of-curb to back-of-curb
 MINIMUM PAVEMENT WIDTH FOR PARALLEL PARKING ON BOTH SIDES OF STREET IS 36 feet back-of-curb to back-of-curb

DESIGN STANDARDS:







Design Speed	25 mph
¹ Lane Width	12 Feet
Maximum Centerline Grade	10%
Minimum Stopping Sight Distance Geometric	150' or latest AASHTO Policy on Design Manual
Min. Horizontal Radius at Centerline	200' (normal crown)
Min. Horizontal Radius at Centerline	N/A (super-elevated)
Min. Horizontal Tangent Distance between Reverse Curves	50'
¹ Service Volumes	700 AADT
² Standard Right of Way	60'
Minimum Pavement Width (BC to BC)	27'
Intersection Curb Radius	25'
Sidewalks Required	Both Sides



Zoning Map

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 list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a Moderate Intensity Growth Sector and lies in the Overlay District.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering there are C-3 General Commercial Zoning in this area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Without the proposed zoning map amendment, this property will not develop as anything other than a Commercial Bank. This property has an LUO that states no future subdividing shall occur on this lot. This lot contains a Commercial Bank.	
(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;	No detrimental or adverse impacts are predicted, if proper planning is implemented. Commercial and Industrial is on all sides of this property.	
(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 businesses and residential currently exist in this area.	

Staff Findings:

Applicant's Purpose

The proposed area is currently classified as a C-4 Downtown Commercial District Limited Use Overlay. The applicant wants to rezone the property to subdivide the lot for a development of a Hardware Store.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*. Rezoning makes sense considering there are already Commercial Businesses located in the area.

Chapter 117 of the City Code of Ordinances/Zoning defines C-3 General Commercial District as follows:

Definition of C-3 General Commercial District - The purpose of this district is to provide appropriate locations for commercial and retail uses, which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled Arterial Street. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

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	Reported no issues.	
Streets/Sanitation	No issues were reported	
Police	No issues were reported	
Fire Department	Reported no issues.	
MPO	No issues were reported	
Jets	Reported no issues.	
Utility Companies	Reported no issues.	CWL
Code Enforcement	Reported no issues.	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON FEBRUARY 12, 2020

James F. Grambling on behalf of Ditta Enterprises, Inc. is requesting MAPC Approval for a Rezoning from C-4 L.U.O. to C-3 L.U.O. for 2.42 Acres +/- of land located at 400 E Highland Drive.

APPLICANT: Jim Grambling stated this is the property west of Farmers and Merchants Bank. It is the vacant lot. This entire property was rezoned in 2007 when the bank went in. The ordinances at the time had conditions that said there would be no future subdivision of the lot and if the property is resold it can only be used as a bank. That was twelve years ago. The property has set vacant since that time. The purpose of this rezoning would be to construct a neighborhood hardware store of about 10,000-12,000 square feet. Because of this ordinance, we had two neighborhood meetings. The first was December 19th. He asked the Planning Department to not only give him the contact information of houses within 200', but also houses within 400'. He stated this was done to be transparent and open throughout this process and allow people to say their peace. The first neighborhood meeting was in December. A lot of people showed up. He stated they showed slight different plans that had access to Wofford. There were a lot of questions and concerns. Because of that, he stated they went back to the drawing board. They had a second neighborhood meeting on January 15. At that meeting they showed the revised plans that are part of the application the commission is reviewing right now. He stated they increased the greenspace, added some buffering, added a covered bus stop, and the distance now between the building and the northern lot line is approximately 236'. They also have agreed to do some extra buffering. There is a retention pond there that provides some natural buffer. They have agreed to work with the neighbors and the city to go above and beyond to provide buffering there to satisfy any concerns. This is also a limited use overlay. He stated they have eliminated just about everything except for neighborhood retail. There is an Advanced Auto Parts to the west. The bank is to the east. To the south is a church. Harps is not too far away. This is in a moderate growth sector. This type of retail is appropriate in that area. He stated he thinks it is a good compromise between neighbor's concerns and a decision in 2007 to doom this property and keep it vacant. He stated there has been some concern about traffic. He stated they plan to have five to six employees. He stated the city uses the Institute for Transportation Engineering Trip Generation Manual. Under that manual, the peak hour trips for a building of this size are 11.6 per employee. If you round up, that is 72 trips. That is still under the threshold of the proposed Master Street Plan of requiring a traffic study. Weekdays will be even lower. This is going to be a small neighborhood hardware store. He stated they have received some letters of support and asked those in attendance in support to stand. He stated there are several letters of support on Legistar that can be read and he wanted to point out a few. One couple is the closest property owners and they believe the Dittas will be good neighbors. They have no reservations to the request. They like that it is local and think it is a good business to have in the area. There is also a letter from Anne Raulston. They live next door to the site and they have no problems with the application. The Ditta's have deep roots in this town. They own several businesses and live in this neighborhood down the street. This is not something they are trying to do from afar. They want to provide an amenity to the neighborhood, not a detraction.

COMMISSION: Lonnie Roberts Jr. asked for staff comments.

STAFF: Derrel Smith stated it does meets five of the six criteria for the zoning requirements. It meets the land use plan for that area. He stated if they choose to vote for this, they would recommend the following:

- 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 Planning Department, prior to any redevelopment of the property.**
- 3. Any change of use shall be subject to Planning Department approval in the future.**
- 4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.**
- 5. This Rezoning is a Limited Use Overlay with the following being Prohibited:**

Auditorium Or Stadium; Automated Teller Machine; Bed and Breakfast; Carwash; Cemetery; Communication Tower; Convenience Store; Day Care; Adult Entertainment; Funeral Home; Golf Course; Hospital; Hotel or Motel; Medical Marijuana Dispensary; Nursing Home; Pawn Shops; Recreational Vehicle Park; Restaurant (Fast Food and General); Service Station; Sign, Off Premises; Warehouse, and Residential.

COMMISSION: Lonnie Roberts Jr. asked for public comments.

PUBLIC: Harold Carter asked what was the sixth criteria it did not meet.

STAFF: Derrel Smith stated it was if the property can be developed as is. It cannot be developed without the zoning change because of the way the limited use effects the property at this time. It is C-3 with a limited use overlay. It does not allow any other construction or development of the site. Nothing else can be developed there.

PUBLIC: Harold Carter stated so unless someone wants to tear down this bank and build another bank, or buy this bank and use it as a bank, that is it.

STAFF: Derrel Smith stated that is correct.

PUBLIC: Harold Carter asked why they would have approved that in the first place. He stated this does not seem like a reasonable thing to have ever approved.

PUBLIC: Roy Gehring stated he lives at a property on the north side adjacent to this development. When the person that owned these lots passed, her heir decided to rezone the properties from residential to commercial. He and the neighbors interviewed people for businesses there and decided on Integrity Bank. We discussed where the bank would be built and

we agreed on the center of the property. When we went out, they were building on the east side, next to the property line. He stated it looked like they were going to try and put a second business there. He stated the limited use was put on the property to keep another business from building there. He stated a reason they oppose this is because of the traffic it will create. There are four stoplights in that area. It is a heavy traffic area. If this goes through, it will increase the traffic even more.

APPLICANT: Jim Grambling stated he is mindful of the ordinance. When invitations were sent out for the second neighborhood meeting we invited all the same people again and wanted to show them the new plans. The Gehrings chose not to attend. They did not get an opportunity for us to show them these revised plans. The 2007 ordinance is not a contract. It is an ordinance. Zoning laws have to reflect changing conditions and realities in the city. A lot has changed in twelve years.

COMMISSION: Lonnie Roberts Jr. asked for commissioner comment.

The commissioners made none.

COMMISSION ACTION:

Mr. Jimmy Cooper made a motion to approve Case: RZ: 20-01, as submitted, to the City Council with the stipulations that were read by the Planning Department:

2. 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 Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.
5. This Rezoning is a Limited Use Overlay with the following being Prohibited:

Auditorium Or Stadium; Automated Teller Machine; Bed and Breakfast; Carwash; Cemetery; Communication Tower; Convenience Store; Day Care; Adult Entertainment; Funeral Home; Golf Course; Hospital; Hotel or Motel; Medical Marijuana Dispensary; Nursing Home; Pawn Shops; Recreational Vehicle Park; Restaurant (Fast Food and General); Service Station; Sign, Off Premises; Warehouse, and Residential.

The MAPC find to rezone property from “C-4” Downtown Commercial District Limited Use Overlay to “C-3” General Commercial District Limited Use Overlay for 2.42 +/- acres of land. Motion was seconded by Mr. Kevin Bailey.

Roll Call Vote: 6-0, Aye’s: Mary Margaret Jackson; David Handwork; Kevin Bailey; Jerry Reece; Jimmy Cooper; Jim Little

Abstain: Dennis Zolper

Absent: Jim Scurlock

Conclusion:

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 20-01 a request to rezone property from “C-4” Downtown Commercial District Limited Use Overlay to “C-3” General Commercial District Limited Use Overlay; the following conditions are 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 regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.
5. This Rezoning is a Limited Use Overlay with the following being Prohibited: Auditorium Or Stadium; Automated Teller Machine; Bed and Breakfast; Carwash; Cemetery; Communication Tower; Convenience Store; Day Care; Adult Entertainment; Funeral Home; Golf Course; Hospital; Hotel or Motel; Medical Marijuana Dispensary; Nursing Home; Pawn Shops; Recreational Vehicle Park; Restaurant (Fast Food and General); Service Station; Sign, Off Premises; Warehouse, and Residential.

Respectfully Submitted for Planning Commission Consideration,
The Planning and Zoning Department

Sample Motion:

I move that we place Case: RZ 20-01 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from “C-4” Downtown Commercial District Limited Use Overlay to “C-3” General Commercial District will be compatible and suitable with the zoning, uses, and character of the surrounding area.











