



City of Jonesboro City Council
Staff Report – RZ 12-14: 4109 & 4115 E. Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the City Council on August 21, 2012

REQUEST: To consider a rezoning of a parcel of land containing 1.27 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from R-1 Single and C-4 L.U.O. to C-3 General Commercial L.U.O.

**APPLICANT/
 OWNER:** **Demos, BBQ Smokehouse Inc. (Purchaser)**
 Joseph & Darlene Weeks, 4109 E. Johnson Ave., Jonesboro AR

LOCATION: 4109 & 4115 East Johnson Avenue (a.k.a Highway 49)

**SITE
 DESCRIPTION:** Tract Size: Approx. +/- 1.27 acres
 Frontage: 320' +/- along E. Johnson
 Topography: Flat
 Existing Development: Single Family Residence

SURROUNDING CONDITIONS:		<u>ZONE</u>	<u>LAND USE</u>
	North:	C-3	Vacant Commercial
	South:	C-3, R-1	Commercial/ Residential Subdivision
	East:	R-1	Residential
	West:	C-3	Commercial

HISTORY: ORD-08:048, Passed by Council July 1, 2008 as C-4 L.U.O. with the following conditions.

- A) There shall be an undisturbed vegetative buffer, twenty-five feet (25') in width along the southern boundary of the property;
- B) Upon redevelopment of the property, privacy fencing shall be erected along the eastern and western boundaries, and
- C) The Site Development plan shall be submitted to the Metropolitan Area Planning Commission for review and approval.

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Planned Mixed Use Employment Area. The proposed rezoning is consistent with the land use map with the proposed C-3 Limited Use Overlay.

Approval Criteria- Section 117-34- 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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by E. Johnson Ave., Hwy. 49 N and has a right of way totaling 150ft. (Principal Arterial min. 120') and Fire Academy Dr. has an ingress/egress easement totaling 60ft (Private Drive).

Zoning Code Compliance Review:

The applicant is requesting a change to C-3 General Commercial, Limited Use Overlay, L.U.O. - General Commercial District with a specific list of permitted and excluded uses as follows:

LIMITED USE TO EXCLUDE:

- Adult Entertainment
- Off-Premises Advertisement

THE FOLLOWING LIMITED USES SHALL BE ALLOWED ONLY BY CONDITIONAL USE APPLICATION / APPROVAL BY THE MAPC:

- Carwash
- Cemetery
- Construction Services
- Convenience Store
- Gas Station
- General and Limited
- Vehicle Repair

The subject property is surrounded by a growing commercial corridor of mixed uses including religious worship to the north, and a single family subdivision abutting to the rear/south. The property is served by one driveway to the west and a circular drive with two aprons to the east. Care should be given during the site plan review process to property access as well as the residential screening and buffering in the rear that was conditioned in the 2008 case described in the history section of this report.

C-3 Zoning District Requirements:

Requires 6,500 sq. ft. Nonresidential uses

Front Setback: 25 ft.

Side: 10 ft.

Rear: 20 ft.

Parking required: Existing Spaces Provided

Future Use Parking Requirements:	Government service	1 per 300 ft.
	General Office	1 per 300 ft.
	General Retail/Service	1 per 250 ft.

MAPC RECORD OF PROCEEDINGS- PUBLIC HEARING HELD AUGUST 16, 2012

Applicant: Michael Daniels, HKB & Associates. Mr. Daniels presented the case on behalf of the owner for a rezoning from C-4 L.U.O. and R-1 Single Family to C-3 L.U.O. Commercial. He added that they are requesting approval on the 2 tracts of land.

Staff: Mr. Spriggs gave staff comments and the history of the neighboring property which was rezoned in 2008 , to C-4 L.U.O. Staff has listed the 3 conditions from the original case and has attempted to append those conditions to this case.

The provisions for C-3 General Commercial have been listed in the report. The applicant has listed proposed uses to be excluded, and those to be allowed only by Conditional Uses. All other C-3 uses would be permitted as-of-right. The area is changing due to the anticipated growth of the Northeast sector. Staff expressed concerns over access management and noted that future development is asked to be submitted to the MAPC for review and approval.

Mr. Daniel: Stated that along the southern line, the 25 ft. buffer is asked to be reduced, because on the western lot we will be require to have a 20 ft. setback. A 5-ft. jog will occur to the east. **Mr. Spriggs** noted that the western lot will abut other C-3 Commercial property.

Mr. Spriggs asked how much of the existing southern buffer will be removed? **Mr. Daniel** stated that they are willing to leave whatever is asked.

Mr. Tomlinson gave comments and asked for clarification on the buffer near the R-1 residential area. He is asking for the 20 ft. all the way across.

Mr. Daniel stated that he is asking for the 5 ft. reduction on the west.

Mr. Hoelscher asked what does Staff recommend an adequate buffer would be, if there were no trees there?

Mr. Spriggs stated that you would need a minimum of 20 ft. to adequately grow anything. A privacy fence could be installed to enhance the screening. Evergreens can be planted in the buffer.

Mr. Tomlinson asked- Are all the uses listed permitted uses within the ordinances? **Mr. Spriggs** stated that they are allowed as conditional use within the C-4, but the applicant added these to be allowed in the C-3 requested, to give consideration to the neighbors abutting to the south.

Mr. Daniels explained that all those uses will be submitted as conditional uses and notices will have to be sent to everyone within 200 feet of the property.

The staff conditions were read including the provision for MAPC review and approval of a future site plan.

Public Input: None.

Departmental/Agency Reports:

Police: N/A

Engineering: No Comments

Sanitation: No Comments

Streets: No Comments

Mr. Reece made a motion to approve as presented with the buffer reduction to 20 ft. The motion was seconded by Mr. Joe Tomlinson.

Roll call vote: Mr. Tomlinson- Aye; Mr. Hoelscher - Aye; Ms. Elmore- Aye; Mr. Reece- Aye; Mr. Kelton – Aye. Mr. Roberts- Chair.

Absent were: Mr. Scurlock, Ms. Nix, Mr. Dover. **Case was approved by a 5-0 Vote.**

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Demos, BBQ Smokehouse Inc. should be evaluated based on the above observations and criteria, of Case RZ 12-14 noted above, a request to rezone property from “R-1” and C-4 “L.U.O.” to “C-3 L.U.O.” General Commercial District. The MAPC unanimously recommends for approval to City Council subject to following conditions:

1. There shall be an undisturbed vegetative buffer, twenty-five feet (20’) in width along the southern boundary of the property, where the property abuts residentially used land;
2. Upon redevelopment of the property, privacy fencing shall be erected along the eastern and southern boundaries where it abuts residentially used property, and
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the site.

Specific list of permitted and excluded uses as follows:

LIMITED USE TO EXCLUDE:

Adult Entertainment
Off-Premises Advertisement

THE FOLLOWING LIMITED USES SHALL BE ALLOWED ONLY BY CONDITIONAL USE APPLICATION / APPROVAL BY THE MAPC:

Carwash
Cemetery
Construction Services
Convenience Store
Gas Station
General and Limited
Vehicle Repair

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking South of the subject property.



View looking Northeast towards subject property along E. Johnson Ave.



View looking Southwest from subject property frontage.



View looking North from subject property along E. Johnson Ave.



View looking South along Airport Rd. / E. Johnson Ave. intersection.



View looking East from subject property rear yard.



View looking West of subject property rear yard.