

*City of Jonesboro City Council*  
**Staff Report – RZ09-22: Windle Family Trust**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by City Council on December 15, 2009*

- REQUEST:** A recommendation by MAPC to rezone property containing 1.27 acres more or less.
- PURPOSE:** To rezone a tract of land from R-1 to C-3 General Commercial.
- APPLICANT/OWNER:** Windle Family Trust, Agent: Civilogic, Inc, 203 Southwest Dr. Jonesboro, AR 72401
- LOCATION:** 1840/1846 Highland Dr.
- SITE DESCRIPTION:** Tract Size: 1.27 Acres (55,146 sq. ft.)  
Frontage: 175.04' ft along north side of E. Highland Dr.  
Topography: Gently sloping.  
Existing Dvlpmt: Two residential homes
- |                                |             |                    |
|--------------------------------|-------------|--------------------|
| <b>SURROUNDING CONDITIONS:</b> | <u>ZONE</u> | <u>LAND USE</u>    |
|                                | North: R-1  | Residential        |
|                                | South: C-3  | General Commercial |
|                                | East: C-3   | General Commercial |
|                                | West: C-3   | General Commercial |
- HISTORY:** None
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed development and offers the following findings.

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as Regional Commercial. This area is currently being restudied by the Land Use Advisory Committee. This site fronts on a major arterial surrounded by all commercial to the east, west and south.

**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.



Aerial Map/ Vicinity Map

***Findings:***

The subject site is located on the north side of Highland Drive between Benard Street (to the east) and (southwest) of Browns Lane. The Highland corridor is predominately commercial, there is R-1 property abutting to the north. The applicant has requested a C-3 Rezoning for the said property; this would allow any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

Any approval recommending conditions or stipulations would have to be met under a limited use overlay. Therefore staff suggests that the request be modified to a C-3 L.U.O., General Commercial, if the owner agrees. Access management is a concern and cross access easements are advised to allow better flow and controls for the future development that will occur in this area. This site is in a location feasible for thoroughfare commercial.

### **MAPC RECORD OF PROCEEDINGS: December 8, 2009**

**Applicant:** Mr. George Hamman represented the Applicant. He stated that the Rezoning area is surrounded by C-3 Commercial with the exception to the rear. It has been difficult to managing this property; it was inherited. The first priority is to sell the property. The homes need repair and both are served by one little improved driveway. They do not want to invest a lot of money in terms of remodeling these homes. This property is not fit and conducive for residential development. We desire to rezone to C3 to be consistent with the area, and if he is unable to sell, it will be redeveloped with some commercial that will blend with the existing buildings on either side.

Mr. Kelton asked about the buffer between this and the residential properties? Mr. Hamman responded that they would not object to put an undisturbed visual barrier. That area in the rear would be conducive for parking anyway, because of the setback from the frontage. The commercial plans will come back to the MAPC and the provision for lighting spillage would be in the ordinance also, Mr. Hamman added.

### **Opponents:**

**John Shannon**, lives in the house on Ivy Green, and the house that goes from Ivy Green to Bernard (has 2 acres). We put an 8 ft. privacy fence up on an acre and half. Our concern is the buffer. It is great to have the property developed as commercial. The house was very un-kept and the lot in the rear, and with the trash back there. When Henry Turner built we provide the landscape to block him out. We have gone through the extent to not see commercial from that area. There are other houses on Bernard that back on that. We are opposed to building that close to the rear. The buffer is the concern.

Mr. Hamman stated that he does not see difficulty in doing that; he will consult with his client before making it an ordinance. A 20- ft. buffer of undisturbed buffer can be met. Mr. Halsey stated that a site plan will be submitted to allow us to look at the details. Mr. Spriggs stated that Condition #2 from Staff can be edited to put in place the 20 ft. buffer condition.

**Shirley Miller, 1814 Wilkins;** She has had repeated flooding issues. Anything that is close to her is a concern. She has no problem what the zoning. She has talked and met with the Mayor, City Engineering, and the Street Superintendent. She has taken pictures. She spoke about the water that is flooding her property that is coming from the north, across Nettleton. It had not flooded till August of this year. Water comes down Wilkins from the west. The water fills that ditch and comes down the street from Nettleton from the north side. Those ditches fill up and it comes from the south. Her porch is a foot from the ground and the water runs across it. She has a garage of furniture. Anything that you do, concerns her property, she added.

Mr. Halsey stated that when they redevelop they will have to do stormwater detention. Ms. Miller added that the MAPC deals with different people. She has no problem with

development. She is afraid to go to bed at night. The drainage is the biggest issue. She spoke on the pavement added since she has been here 30 years, in the area of the Chamber of Commerce and the funeral home on Nettleton. There is no need in expanding the City. It affects every time you pave that over.

Motion was made by Mr. Roberts to recommend approval to City Council with the 4 Staff stipulations with the 20 ft minimum buffer on the residential side. Motion was 2<sup>nd</sup> by Mr. Collins.

Roll Call: Mr. Collins- Aye, Mr. Tomlinson- Aye, Mr. Dover- Aye, Ms. Norris- Aye, Mr. Kelton- Aye, and Mr. Roberts- Aye. **The Case was recommended approved with a 6 to 0 vote, unanimously.**

### **Conclusion**

The MAPC and the Planning Staff have reviewed the request. The proposed rezoning is substantially set back from local residential uses, and there should not be any adverse impacts on abutting residential property. MAPC recommends approval of a change from R-1 Single Family Residential to C-3 L.U.O. General Commercial. The following stipulations are recommended:

1. That the final site plan and proposed use shall be reviewed and approved by the MAPC prior to permit issuance. Such submittal shall include architectural and engineering drawings.
2. That a final landscaping and lighting plan shall be submitted for approval by the MAPC. A minimum 20 ft. buffer and screening shall be added for the properties abutting to the North and Northeast.
3. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
4. Cross-access easements to the property east and west shall be incorporated.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP  
Planning Director  
Planning & Zoning Dept.

# Site Photographs



View looking north at the site.



View looking east along Highland Dr.



View looking west across from the site.



View looking south from the site.



View looking north across from subject property.



View looking east depicting abutting property.