

City of Jonesboro City Council
Staff Report – RZ 14-07 200 E. Johnson Ave. Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on May 20, 2014

REQUEST: To consider a rezoning of 6.04 acres more or less from I-1 Industrial to C-3 General Commercial.

PURPOSE: A request to consider recommendation to Council for a rezoning from “I-1” Industrial District to “C-3”, General Commercial District, L.U.O.

LOCATION: 200 E. Johnson Ave./US 63 Business; Site bound by Main Street, Johnson Ave., Labaume St., E. Word Street.

**APPLICANTS/
OWNER:** Phillips Investment & Constr., P.O. Box 19298, Jonesboro AR

**SITE
DESCRIPTION:** Tract Size: Approx. +/- 6.04 acres (263,066 s.f.)
 Street Frontage (feet): 378 ft. on Johnson; 189’+/- along Main St.
 Topography: Flat terrain
 Existing Development: Majority vacant commercial land.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	I-1, R-3	Auto Sales, Church, Residential
South:	I-1	Commercial, Church, Warehousing
East:	I-1, R-3	Commercial, Residential
West:	I-1	Various Commercial Uses

HISTORY: Property abandoned: Part of an undeveloped 10' alley lying north of Lot 7 and a part of Lot 6 of Gambill's Addition; Requested by: Don Latourette; Abandonment was adopted by ORD-14:008 on March 18, 2014

ZONING ANALYSIS

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

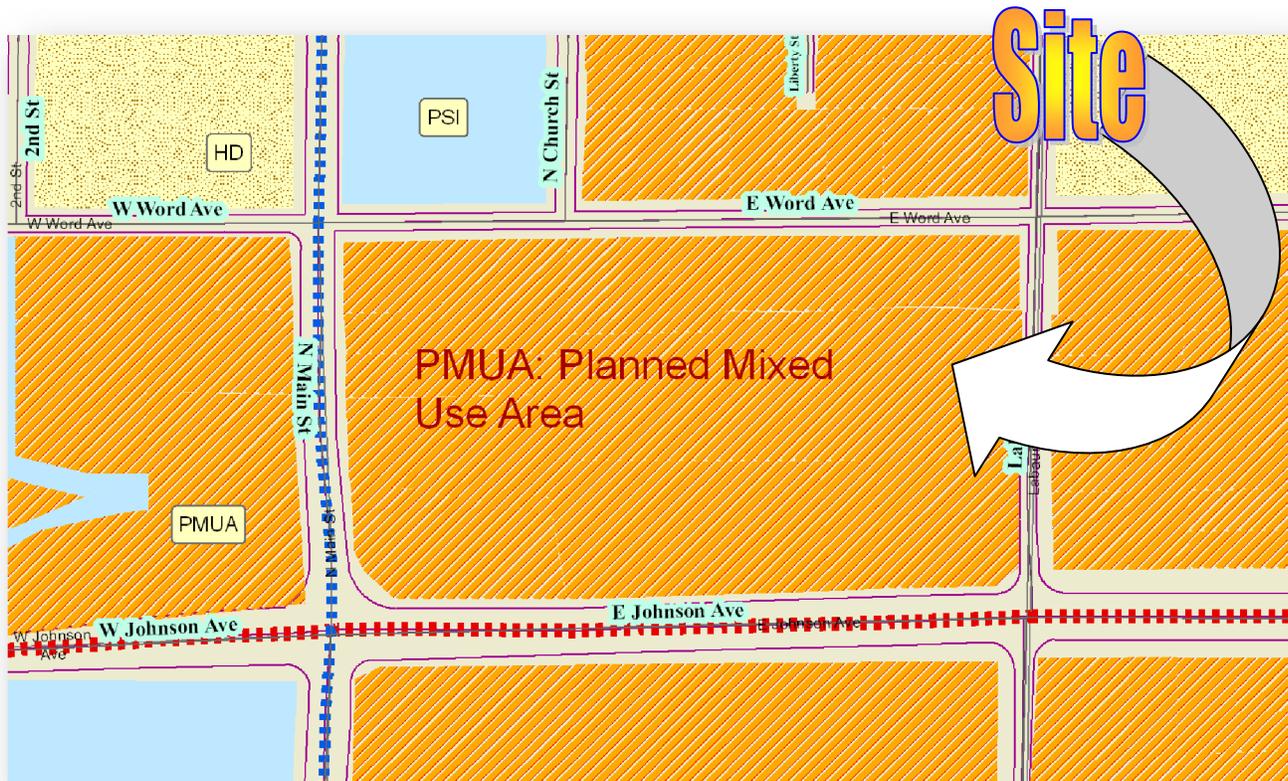
COMPREHENSIVE FUTURE LAND USE MAP REVIEW:

The Current/Future Land Use Map recommends this location as a Planned Mixed Use Area (PMUA). **The proposed rezoning is consistent and in compliance with the adopted Land Use Plan.**

Planned Mixed Use Developments typically contain a combination of office, retail, housing, and light industrial or compatible uses developed with a consistent theme and containing architectural, landscape, streetscape, and signage standards.

Typically, PMUA is a campus-style planned development with multiple uses that are created in separate buildings or within single buildings, sharing a common image and circulation system. The Planned Mixed Use Area is typically located on major arterial streets where infrastructure is pre-existing or is planned as part of a proposed development. Access management shall be a major priority; consolidated curb-cuts shall be promoted.

Components: The intent of the PMUA is to promote a mix of uses and to discourage single use, and the composition shall be reviewed on a case by case basis by the Metropolitan Planning Commission.



Master Street Plan/Transportation

The subject property is served by North Main Street (West), a *Minor Arterial* and E. Johnson Ave. (South), a *Principle Arterial*. Additionally, the property is served by two local roads on the North (E. Word Ave.); and on the South (Labaume St.). The MAPC waived additional right of way dedications on all street frontages on January 14, 2014.

Right-of-Way requirements of the Master Street Plan that were waived are as follows:

- Main St the existing R/W is 30' from center, MSP is 50'
- Johnson Ave existing R/W is 40' from center, MSP is 60'
- Labaume St existing R/W is 27.5 from center, MSP is 30'
- Word Ave existing R/W is 20' from center, MSP is 30'

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 C-3 District rezoning is consistent with the Future Land Use Plan which recommends Planned Mixed Use Area.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117; A Limited Use Overlay is recommended by staff.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This will bring an existing uses into compliance of what is promoted on the Land Use Plan. This area is not industrial in nature.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	This land as used today is unsuitable under the current I-1; Most of which former industrial uses have been demolished; rezoning is highly recommended.	
(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 detriments. Will promoted needed support retail and re-investment for the area.	
(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	Property is mostly vacant within the current I-1 zoning. It had previously been used as commercial since several years.	
(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 impact if rezoned to C-3 Limited Use Overlay.	



Vicinity/Zoning Map

Staff Findings:

Applicant’s Purpose:

The applicant is hoping to rezone the subject property to the “C-3” General Commercial Zoning Classification. The site is currently vacant, with a number of original lots that have been consolidated into the larger Tract 1.

The applicant originally requested a change to a Limited Use Overlay (L.U.O) for General Commercial. Therefore, there is no required list of possible uses for the site due to this fact. However uses such as a medical clinic, food market and retail which were listed on the application will be consistent with the Land Use Plan.

On the pages to follow, Staff alerts the Commission and Council of uses that may be a detriment to the residential just directly north and east of the subject property. Consideration of a Limited Use Overlay was suggested for this reason (Applicant later agreed). This will also afford the Planning Commission some assurance regarding screening and buffering of parking areas, which is to be addressed by the developer during site plan review. This can be achieved by good landscape design.

Justification for Rezoning:

There are a number of reasons why the existing zoning classification as- “I-1”, *limited industrial district*, is not suitable for this location. One justification for a change in zoning is that the historical nature of the site

has not attracted reinvestment in the area under the current zoning. The “I-1” District is to accommodate freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted, but only through a special district or conditional use application. Suitable transportation facilities are a necessity to this district. Rezoning the property will act as a catalyst for reinvestment into the North Jonesboro area, as promoted by the recent long range planning efforts, as well as the North Jonesboro Neighborhood Initiative.

Zoning compliance/ Other Zoning Code Analysis:

The applicant originally requested a rezoning to a “C-3”, General Commercial District with no list of uses conditioned. The following are the bulk dimension requirements for “C-3” General Commercial.

<i>Dimension</i>	<i>CR-1</i>	<i>C-4</i>	C-3	<i>C-2</i>	<i>C-1</i>	<i>I-1</i>	<i>I-1</i>
<i>Minimum lot size</i>							
Single-family (sq. ft.)	6,500	NP	NP	6,000	NS	NP	NP
Duplex (sq. ft.)	7,200	NP	NP	7,200	NS	NP	NP
Multifamily (area/family)	NP	NP	NP	3,600	NS	NP	NP
Nonresidential uses (sq. ft.)	6,500	6,500	6,500	6,500	NS	6,500	10,000
Minimum lot width (all uses)	50'	50'	50'	50'	25'	50'	100'
Minimum lot depth (all uses)	100'	100'	100'	100'	NS	100'	100'
<i>Street setback</i>							
Residential uses	25'	NP	NP	25'	NS	25'	NP
Nonresidential uses	25'	25'	25'	25'	NS	25'	100'
<i>Interior side setback</i>							
Residential uses	7.5'	10'	NP	10'	NS	10'	NP
Nonresidential uses	10'	10'	10'	10'	NS	10'	25'
<i>Rear setback</i>							
Residential uses	20'	20'	NP	20'	NS	20'	NP
Nonresidential uses	20'	20'	20'	20'	NS	20'	25'
Maximum lot coverage (all uses)	50%	50%	60%	50%	100%	60%	60%
Percent of total lot area (building floor area)	20	20	NS	20	NS	NS	NS

Note.

NP = Not permitted.

NS = No standard.

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	No issues reported to date.	Discussion in Pre-Dev. Meeting
Streets/Sanitation	Reported no issues.	Discussion in Pre-Dev. Meeting
Police	No issues reported to date.	Discussion in Pre-Dev. Meeting
Fire Department	No issues reported to date.	Discussion in Pre-Dev. Meeting
MPO	No issues reported to date.	Discussion in Pre-Dev. Meeting
Jets	No issues reported to date.	Discussion in Pre-Dev. Meeting
Utility Companies	No issues reported to date.	Discussion in Pre-Dev. Meeting

Sec. 117-140. Overlay and special purpose districts.

(c) *LU-O—limited use overlay district.* (3) *Use and property development standards.* When accompanied by a rezoning request from the property owner, the LU-O district can be used to restrict the use and property development standards of an underlying base zoning district, as applied to specific parcels of land.

All LU-O requirements are in addition to and are supplemental to all other applicable standards and requirements of the underlying zoning district. Restrictions and conditions imposed by an LU-O district are limited to the following:

- a. Prohibiting otherwise permitted or conditional uses and accessory uses or making a permitted use a conditional use;
- b. Decreasing the number or density of dwelling units that may be constructed on the site;
- c. Limiting the size of nonresidential buildings that may be placed on a site;
- d. Increasing minimum lot size or lot width;
- e. Increasing minimum yard and setback requirements; and
- f. Restricting access to abutting properties and nearby roads.

Method of adoption/amendment. As an overlay district, the LU-O designation shall be applied for in accordance with standard rezoning procedures. Once LU-O zoning is established, any amendments shall also require review and approval in accordance with rezoning procedures.

The rezoning of this property should not include following permitted uses:

- 1.) The following uses should be prohibited as a part of the Limited Use:
 - A) Animal Care, General
 - B) Adult Entertainment
 - C) Off-Premises Sign

Under the current policies, unless a limited use overlay or planned district development is petitioned, no conditions or discussion of proposed uses is advised. The applicant was asked by the MAPC to consider a “C-3” **Limited Use Overlay District** rezoning with a narrowed-down list of uses permitted except the

following highlighted uses in yellow. (Note that some uses are permitted within the “C-3” District; however others must request a Conditional Use Approval by the MAPC):

List of Commercial Uses		C-3 General Commercial	List of Commercial Uses		C-3 General Commercial
<i>Civic and commercial uses</i>			<i>Civic and commercial uses</i>		
	Animal care, general	Permitted		Nursing home	Permitted
	Animal care, limited	Permitted		Office, general	Permitted
	Auditorium or stadium	Conditional		Parking lot, commercial	Permitted
	Automated teller machine	Permitted		Parks and recreation	Permitted
	Bank or financial institution	Permitted		Pawn shops	Permitted
	Bed and breakfast	Permitted		Post office	Permitted
	Carwash	Permitted		Recreation/entertainment, indoor	Permitted
	Cemetery	Permitted		Recreation/entertainment, outdoor	Permitted
	Church	Permitted		Recreational vehicle park	Permitted
	College or university	Permitted		Restaurant, fast-food	Permitted
	Communication tower	Conditional		Restaurant, general	Permitted
				Retail/service	Permitted
	Convenience store	Permitted		Safety services	Permitted
	Day care, limited (family home)	Permitted		School, elementary, middle and high	Permitted
	Day care, general	Permitted		Service station	Permitted
	Entertainment, adult	Conditional		Sign, off-premises*	Permitted
	Funeral home	Permitted		Utility, major	Conditional
	Golf course	Permitted		Utility, minor	Permitted
	Government service	Permitted		Vehicle and equipment sales	Permitted
	Hospital	Permitted		Vehicle repair, general	Permitted
	Hotel or motel	Permitted		Vehicle repair, limited	Permitted
	Library	Permitted		Vocational school	Permitted
	Medical service/office	Permitted		Warehouse, residential (mini) storage	Conditional
	Museum	Permitted	<i>Industrial, manufacturing and extractive uses</i>		
<i>Agricultural uses</i>				Freight terminal	Conditional
	Agriculture, animal	Conditional		Research services	Conditional
	Agriculture, farmers market	Permitted			

Record of Proceedings: MAPC Public Hearing Held on May 13, 2014:

Applicant: Carlos Wood, Engineer representing the owner, Phillips Investments, appeared before the Commission stated that they are asking to rezone the property as described.

Staff: Mr. Spriggs gave a summary of the Staff Report, noting that the request complies with the Land Use Plan which recommends this area as a Planned Mixed Use Area. He also reported that the petition complies with the listed criterion for rezonings as noted. The applicant is requesting a C-3 General Commercial District. The discouraged list of uses were discussed and Mr. Spriggs asked Mr. Wood if he had considered the findings of the report.

Mr. Carlos Wood asked for clarification of the Animal Care Limited Use. He and his client would like to have the availability of a veterinarian office for interior use, without the dog runs. They may want to sell or retail the pets or supplies. Mr. Spriggs stated that the way it is conditioned, it will accommodate his client's needs. Mr. Wood agreed to the Limited Use Overlay on behalf of the owner.

Mr. Spriggs: The Commission in the last meeting voted unanimously to waive right of way dedications on each of the road frontages.

Mr. Spriggs also referred to the permitted and discouraged uses in which the applicant agrees. Mr. Spriggs noted that approval will definitely serve as an economic development catalyst for the area and provide fresh produce and quality groceries to those in need.

No issues were reported by the various departments or agencies. The conditions were read.

Public Input/Opposition: None present.

Commission Action:

Motion was made by Mr. Schrantz to adopt the rezoning and place Case: RZ-14-06 on the floor for recommendation by MAPC to the City Council with the noted conditions; Motion was seconded by Mr. Hoelscher.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Hoelscher- Aye; Mr. Reece- Aye; Mr. Bailey- Aye; Mrs. Shrantz- Aye; Mr. Kelton- Aye; Ms. Nix was absent. Mr. Lonnie Roberts Chaired the meeting. Case approved with a **6-0 Vote for the measure.**

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 14-07, a request to rezone property from "I-1" Industrial to "C-3" L.U.O., General Commercial.

The MAPC found that changing the zoning of this property from "I-1" Industrial District to the proposed "C-3" Limited Use Overlay District (as agreed by the applicant) and that the rezoning will be compatible and suitable with the zoning, uses, and character of the surrounding, subject to the following stipulations:

1. That the proposed development shall continue satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
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 setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”. Final site plan should include a final landscape and lighting plan to address any buffering considerations regarding the residential to remain.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking northeast from the southwest portion of the subject properties.



View looking southwest from the northeast portion of the subject properties.



View looking northwest from the southeast portion of the subject properties.



View looking southeast from the northwest portion of the subject properties.



View of abutting property located at the southeast portion of the subject properties.



View of abutting property located at the southwest portion of the subject properties.



View of abutting property located at the northwest portion of the subject properties.



View looking east from N. Main St./E. Word Ave. intersection toward properties located north of subject properties.



View looking south from N. Main St./E. Word Ave. intersection toward properties located west of subject properties.



View looking north from N. Main St./E. Johnson Ave. intersection toward properties located west of subject properties.



View looking east from N. Main St./E. Johnson Ave. intersection toward properties located south of subject properties.



View looking west from E. Johnson Ave./Labaume St. intersection toward properties located south of subject properties.



View looking north from E. Johnson Ave./Labaume St. intersection toward properties located east of subject properties.



View looking south from E. Word Ave./Labaume St. intersection toward properties located east of subject properties.



View looking west from E. Word Ave ./Labaume St. intersection toward properties located north of subject properties.