

City of Jonesboro City Council
Staff Report – RZ 19-03: 304 – 318 Cate Avenue
 Municipal Center - 300 S. Church St.
For Consideration by the City Council on April 2, 2019

REQUEST: To consider a rezoning of one tract of land containing .96 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC for a rezoning from “I-1” Limited Industrial District to “C-1” Downtown Core District Limited Use Overlay.

APPLICANTS/ OWNER: Math Investments, 311 S. Allis, Jonesboro, AR 72401
 Ted Herget

LOCATION: 304 thru 318 Cate Avenue, Jonesboro, AR 72401

SITE DESCRIPTION: **Tract Size:** Approx. .96 Acres
Street Frontage: 200’ along Cate Avenue
Topography: Predominately Flat
Existing Development: Lots are empty

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	I-1 Limited Industrial District / Railroad
South	C-1 Residential Apartments
East	I-1 Limited Industrial District / Commercial Building
West	C-1/ Residential Apartments / Parking Lot / Buildings

HISTORY: Old buildings have been torn down.

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 Medical Center Cluster / Moderate Intensity Growth Sector. Moderate Intensity has a wider mix of land uses. 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.

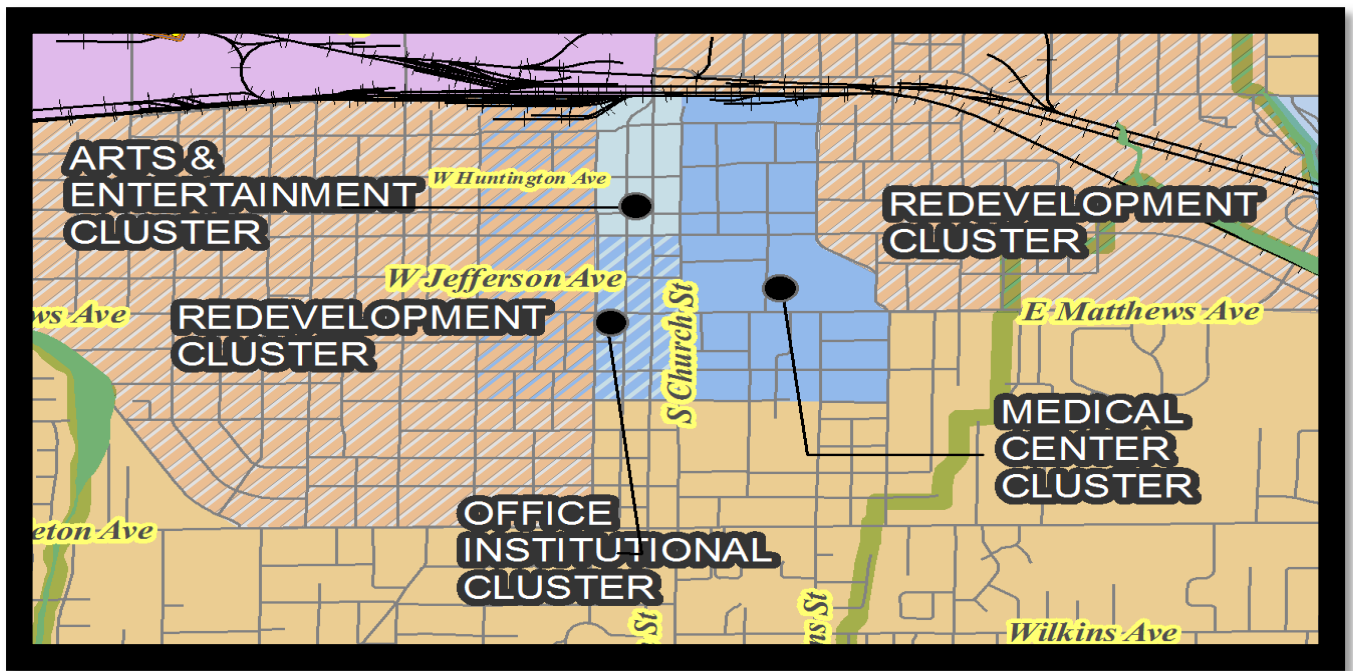
MODERATE INTENSITY RECOMMENDED USE TYPES INCLUDE:

- 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

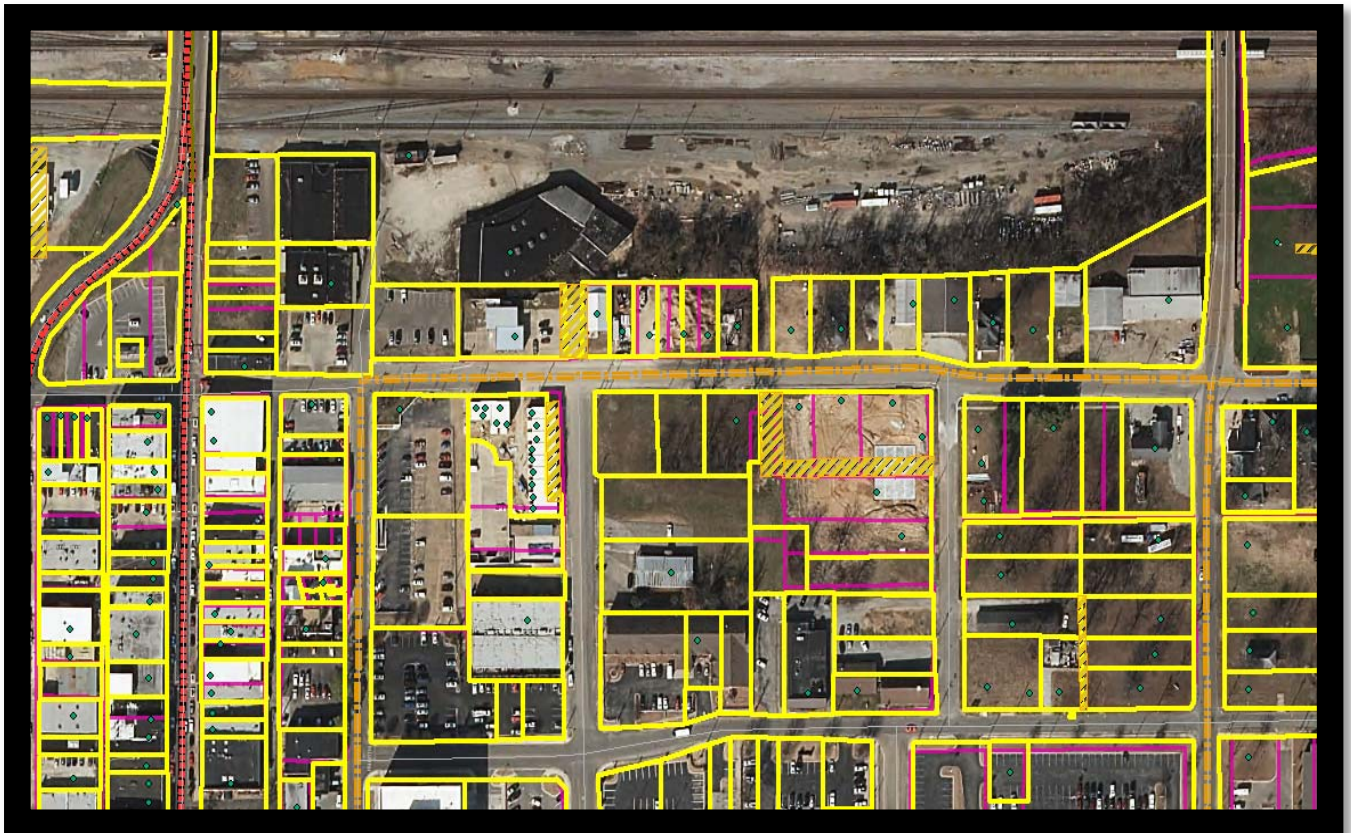
The Medical Center Cluster promotes links between the Medical Center and the other clusters within Downtown, as well as the Arkansas State University Campus.

MASTER STREET PLAN/TRANSPORTATION

The subject site is served by Cate Street, which on the Master Street Plan are defined as Collector Street. The street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment as noted on the plat.









Adopted Land Use Map



Aerial/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:

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map.	The proposed C-1 Downtown District Limited Use Overlay rezoning is consistent with the Future Land Use Plan, which was categorized as Medical Center Cluster / Moderate Intensity Growth Sector. The Property would be developed into Loft Apartments with Commercial and Residential on the bottom.	
(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 C-1 District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This is adjacent to Medical - the medical core and the proposed uses would complement said district as noted.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Conventional zoning restraints does not support innovative design ideas for clustering housing in an urban fashion, with reduced front setback and zero lot line parameters. This would have to go to C-1, because I-1 does not allow housing.	
(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.	The proposed uses are said to compliment and increase curb appeal to the area. No detrimental or adverse impacts are predicted. The elements will be taken care of thru the development site plan with the appropriate departments.	
(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 the area. The elements will be taken care of thru the development site plan with the appropriate departments.	

STAFF FINDINGS

Applicant's Purpose

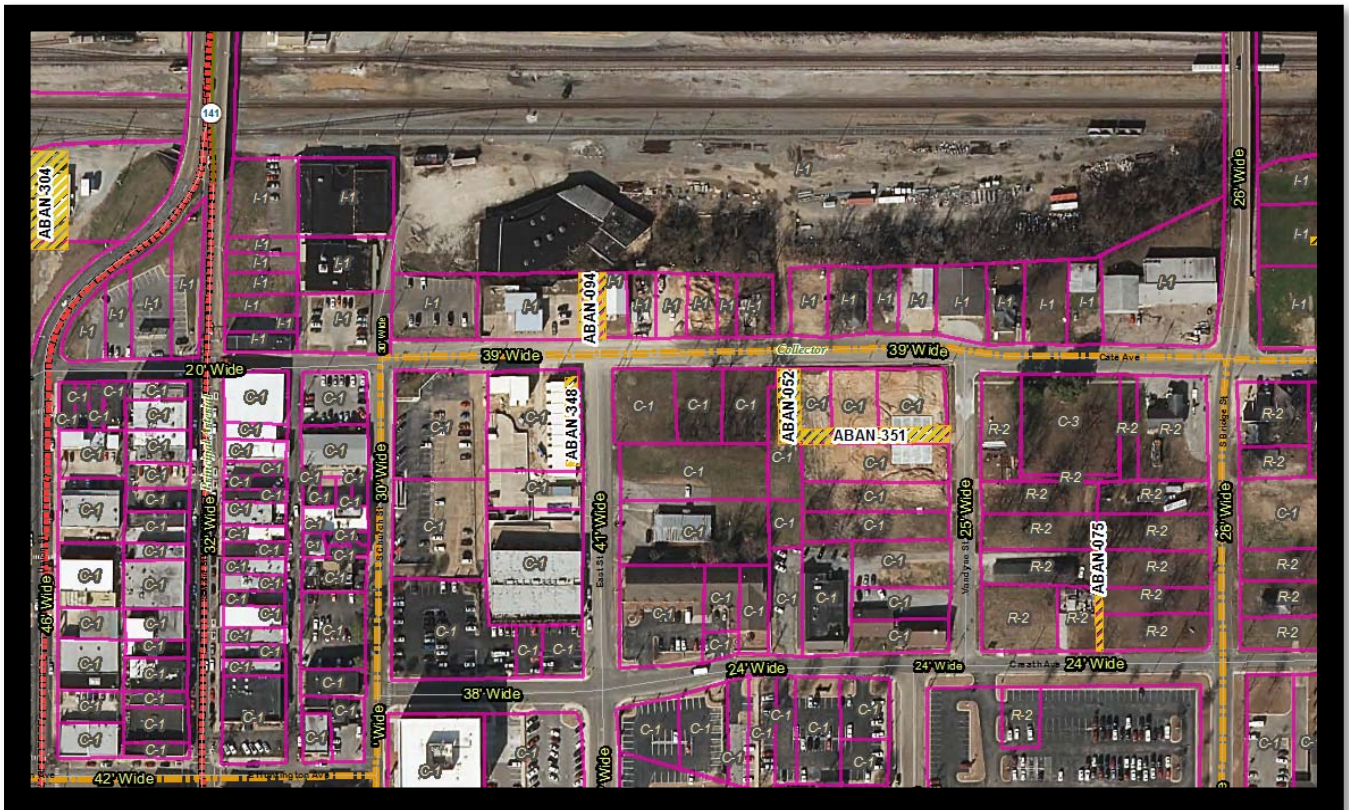
The applicants hope to consolidate all of the subject property and generate a suitable size area for a mixed housing development, which would situate residential loft apartment's dwellings within the development. This theme will be carried throughout as the developers strive to create a living environment that would increase the appeal of the area for professional and developing community. This development would consist of Loft Apartments with Commercial and Residential mixture on the bottom floor that would be implemented in this area.

Staff has had an opportunity to speak with the development group, such as development has received much success in Northwest Arkansas, and will set the mark of how this area could be a Jonesboro asset if implemented smartly.

The property is shown as a redevelopment area on the Land Use Plan. The C-1 Rezoning will be the most appropriated zoning designation until we come up with a downtown overlay designation.

Chapter 117 of the City Code of Ordinances/Zoning defines C-1/Downtown Core District as follows:

Definition: C-1, downtown core commercial district. This district is characterized by concentrated development of permitted uses, including office and institutional, service, convenience and specialty retail, entertainment and housing. Redevelopment of the area is contemplated, with emphasis on an art and entertainment cluster. Accordingly, it is anticipated that one or more overlay or other special districts will be established to help foster transformation of the area.



View of Larger Area Showing Current Zoning

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 objections to this rezoning to date.	
Streets/Sanitation	No objections to this rezoning to date.	
Police	No objections to this rezoning to date.	
Fire Department	No objections to this rezoning to date.	
MPO	No objections to this rezoning to date.	
Jets	No objections to this rezoning to date.	
Utility Companies	No objections to this rezoning to date.	

ZONING CODE ALLOWABLE USES:

Below is the Table of Permitted Uses regarding the requested C-1, Downtown Core District. Certain commercial uses are permitted as of right - “P”, while others require a Conditional Use - “C” approval by the MAPC, or not permitted where blank within the Zoning Ordinance Chapter 117.

Uses	C-1	Uses	C-1
Bed and Breakfast	P	Utility, minor	P
Hospital	P	Vehicle repair, limited	C
Auditorium or stadium	C	Vocational school	P
Automated teller machine	P	Agriculture, farmers market	P
Bank or financial institution	P	Sign, off-premises*	C
Cemetery	P	Retail/service	P
Church	C	Safety services	P
College or university	P	School, elementary, middle and high	P
Communication tower	C	Service station	C
Funeral Home	C	Museum	P
Convenience store	C	Office, general	P
Day care, limited (family home)	P	Parking lot, commercial	P
Day care, general	C	Parks and recreation	P
Golf Course	P	Nursing Home	C
Government service	P	Post office	P
Hotel/Motel	P	Recreation/entertainment, indoor	P
Library	P	Carwash	C
Medical service/office	P	Restaurant, fast-food	C
		Restaurant, general	P

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON MARCH 12, 2019

Ted Herget of Math Investments is requesting MAPC Approval for a rezoning from I-1 Limited Industrial District to C-1 Downtown Core Commercial District for 2.00 acres +/- of land located at 304, 310, 312, 316, 318 Cate Avenue.

APPLICANT: Ted Herget stated that please said he wants to build 17 apartments and commercial spaces on the east side of that tract and on the west side an outdoor Resturant later this fall. Just trying to fit the zoning to meet your needs.

STAFF: Derrel Smith, Director of Planning stated that it meets five of the six guidelines for approval except d which is the one with suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. It meets all of that with a Limited Use Overlay and it shows what is allowed under the table on the Staff Summary with the permitted use and the conditional use that they are asking for. With that said, we would recommend approval with the following stipulations:

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 Commission 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 the property that pertains to the Zoning and compliance with the Ordinances and Development.
5. The Limited Use Overlay on this would allow Residential Apartments on the 1st floor along with the Commercial area.

PUBLIC COMMENTS: Petro Stevenson stated he owned some property on the corner of Bridge and Cate and also a friend of mine has some residential property in that area, there was mention of a Resturant will be located on the property. Also, will they be seeking to serve alcohol on that location and that is kind of our concern.

APPLICANT: Ted Herget stated that all he is trying to do is get the apartments built. As far as the Resturant that is down the road and that would be another if, we go for the liquor license that would be another.

CHAIR: Lonnie Roberts stated we would cover that when we do a site plan.

APPLICANT: Ted Herget stated that is not our plan at the moment.

BOARD: Mr. Lonnie Roberts asked if there are any more public comments.

NO MORE PUBLIC COMMENT.

COMMISSION ACTION:

Mr. Dennis Zolper made a motion to approve Case: RZ: 19-03, as submitted, to the City Council with the stipulations that were read by the Planning Department:

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 Commission 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 the property that pertains to the Zoning and compliance with the Ordinances and Development.

5. The Limited Use Overlay on this would allow Residential Apartments on the 1st floor along with the Commercial area.

The MAPC find to rezone property from “I-1” Limited Industrial District to a “C-1” Downtown Core Commercial District Limited Use Overlay for the 2.00 +/- acres of land. Motion was seconded by Mr. Jerry Reece.

Roll Call Vote: 7-0, Aye’s: Jim Scurlock,; Mary Margaret Jackson; Kevin Bailey; Jerry Reece; Jimmy Cooper; Jim Little; Dennis Zolper

Absent: David Handwork

CONCLUSION:

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 19-03, a request to rezone property from “I-1” Limited Industrial District to “C-1”, Downtown Core District Limited Use Overlay, Mixed Residential Use subject to 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 Commission 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 the property that pertains to the Zoning and compliance with the Ordinances and Development.
5. The Limited Use Overlay on this would allow Residential Apartments on the 1st floor of the Apartments along with the Commercial.

Respectfully Submitted for City Council Consideration,
The Planning Staff

Sample Motion:

I move that we place Case: RZ-19-03 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 “I-1” Limited Industrial District to “C-1”, Downtown Core District Limited Use Overlay, Mixed Residential Use will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the Planning Staff in the future.

Pictures of Area

