

City of Jonesboro Metropolitan Area Planning Commission
Staff Report – RZ 23-14, 312 E Nettleton Ave.
300 S. Church Street/Municipal Center
For Consideration by Planning Commission on September 26, 2023

REQUEST: To consider a rezoning of one tract of land containing 1.16 +/- acres

PURPOSE: A request to consider recommendation to Council for a rezoning from “R-2” multifamily low density district to “C-2 LUO” downtown fringe commercial district with a limited use overlay.

APPLICANT: Options, 910 South Main St, Jonesboro AR

OWNER: Nathan & Kendy Schimmel, 312 East Nettleton Ave, Jonesboro AR

LOCATION: 312 East Nettleton Ave.

SITE DESCRIPTION: **Tract Size:** Approx. 1.16 Acres
Street Frontage: Approx. 138 ft. on E. Nettleton Ave.

Existing Development: Residential

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	R-2 – Residential
South	R-2 – Learning Center/Daycare
East	R-2 –Residential
West	R-2 – School

HISTORY: Property has been use as residential for many years.

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 a **Moderate Intensity** Growth Sector.

A wider mix of land uses is appropriate in the moderate intensity sectors. Control of traffic is probably the most important consideration in this sector. Additionally, 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. Consideration should be given to appropriate locations of transit stops.

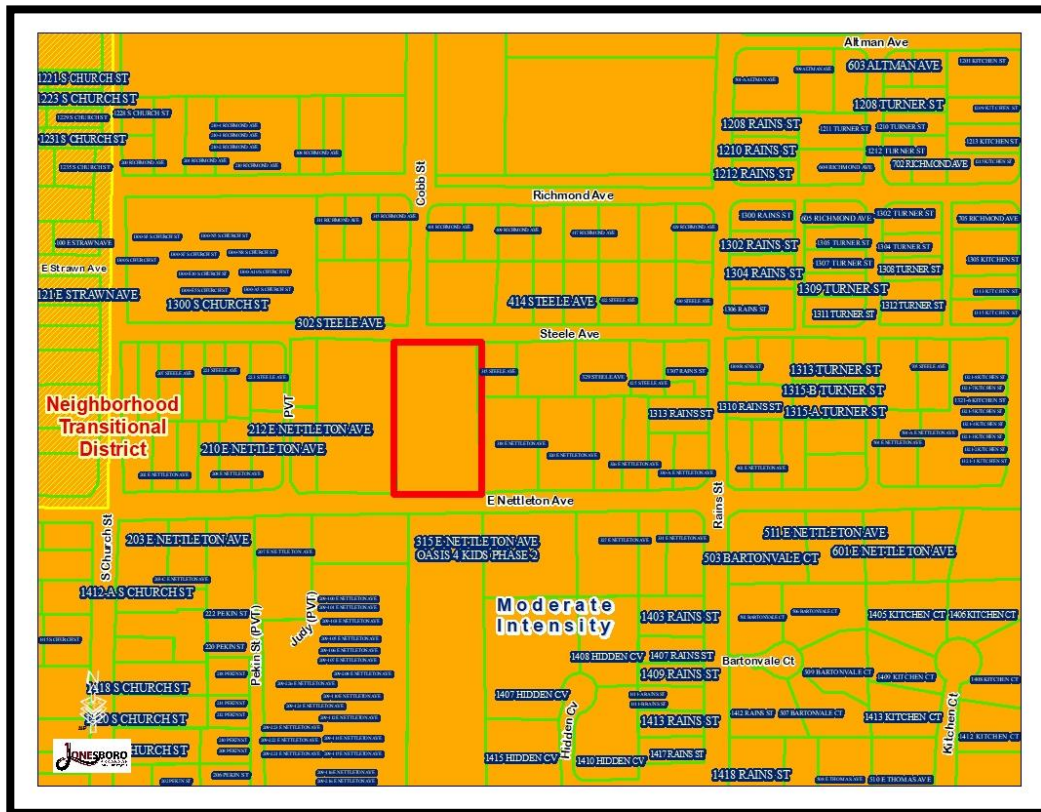
Typical Land Uses:

- Single Family Residential
- Attached Single Family, duplexes, triplexes and fourplexes
- Neighborhood retail, Neighborhood services Office parks
- Smaller medical offices
- Libraries, schools, other public facilities
- Senior living centers/nursing homes, etc.
- Community-serving retail
- Small supermarket
- Convenience store
- Bank
- Barber/beauty shop
- Farmer's Market
- Pocket Park

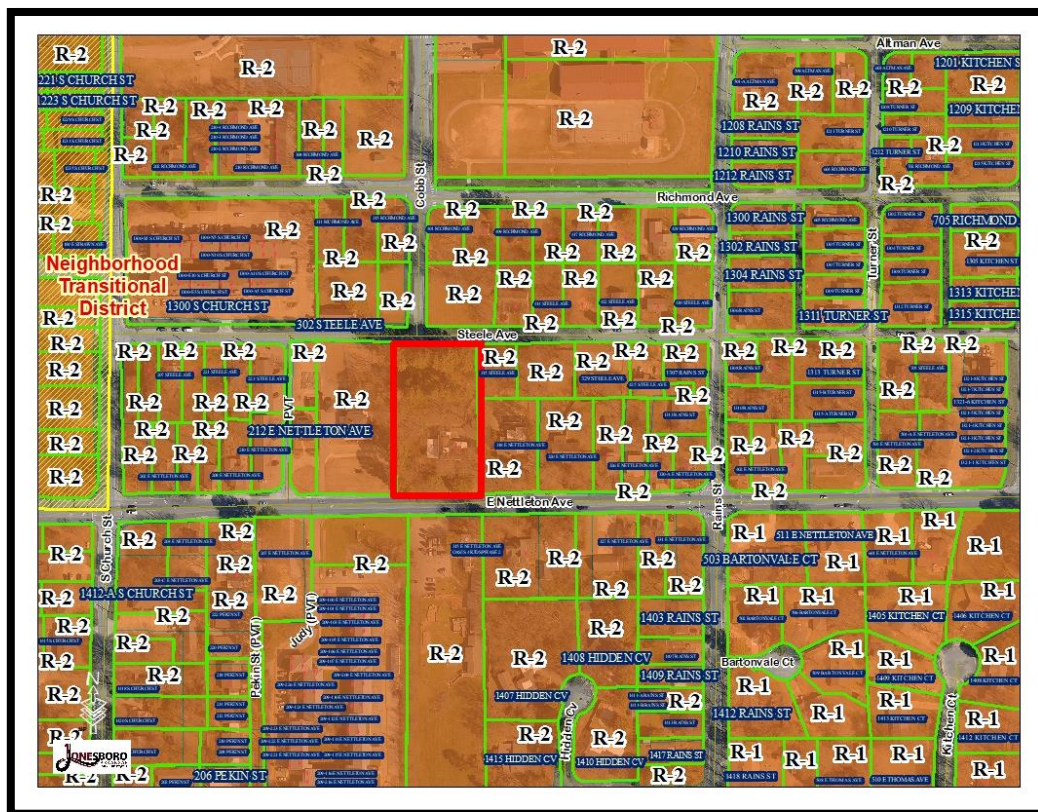
Density: No more than six dwelling units per acre for Multi-Family. Multi-Family should only be allowed on collector and above streets that have been improved or scheduled to be improved in the next construction cycle of city projects unless the developer is willing to build the roads to Master Street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

Height: 4 stories

Traffic: Approximately 300 peak hour trips (Commercial Only)



Land Use Map



Zoning Map

Master Street Plan/Transportation

The subject property is served by East Nettleton Ave. and Steele Ave., the Master Street Plan classifies East Nettleton Ave. as a **Minor Arterial** and Steele Ave. as a **Local Street**.

Minor Arterials function similarly to principal arterials, but operate under lower traffic volumes, serve trips of shorter distances, and provide a higher degree of property access than principal arterials.

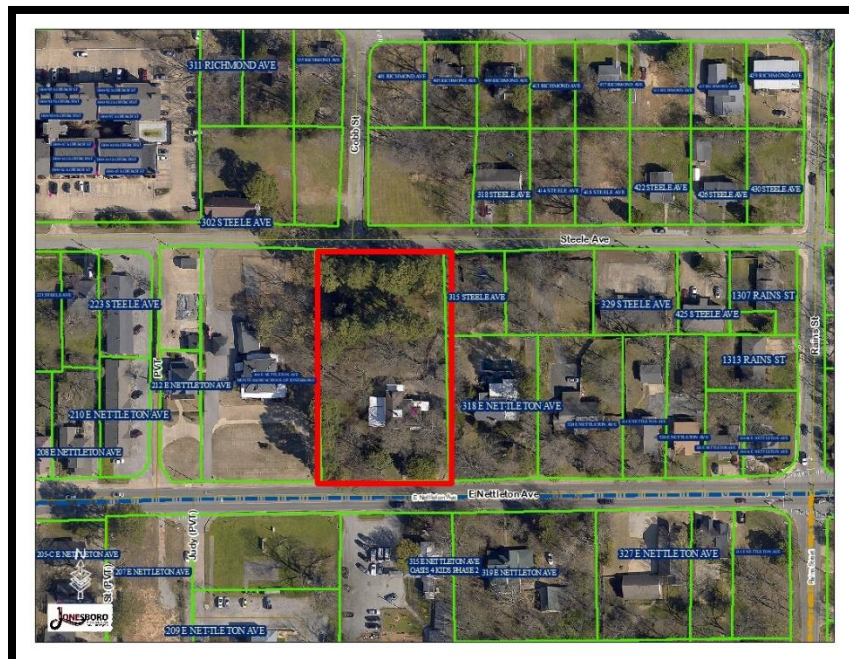
FUNCTION: Minor Arterials provide the connections to and through an urban area. Their primary function is to provide short distance travel within the urbanized area. Since a Minor Arterial is a high volume road, a minimum of 4 travel lanes is required. At intersections with Collector Streets or other Arterials (principal or minor), additional right-of-way may be required if the anticipated turning movements warrant extra lanes.

DESIGN: Cross-section selection shall be based on anticipated traffic volume and speed limit, or traffic impact analysis, if applicable. Design in accordance with AASHTO policy on Geometric design of highways and streets (current edition).

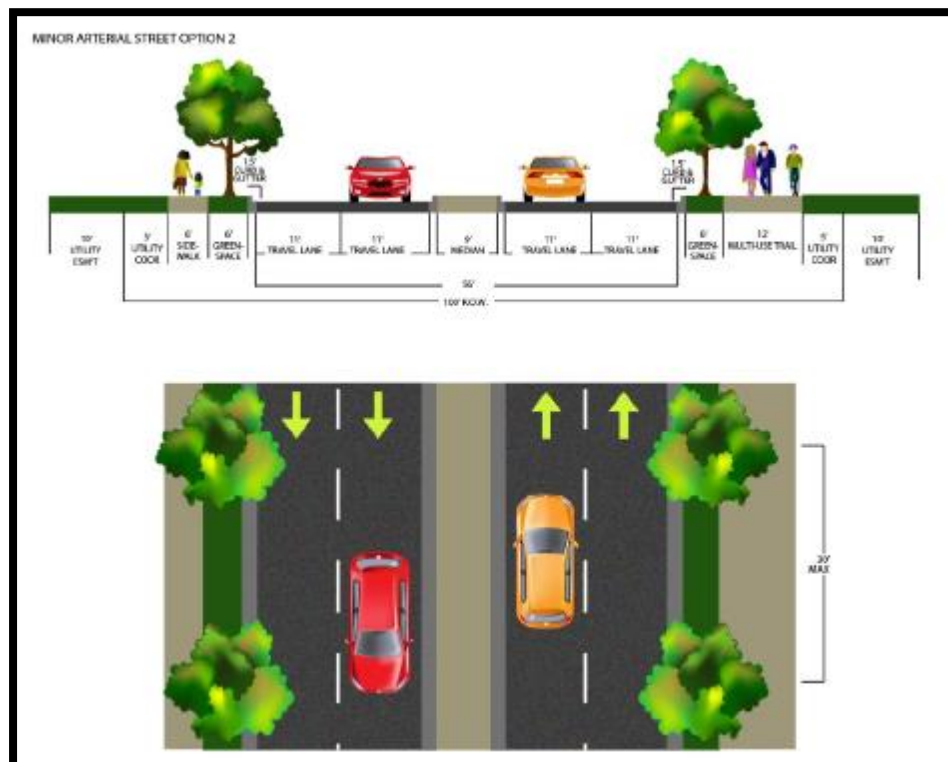
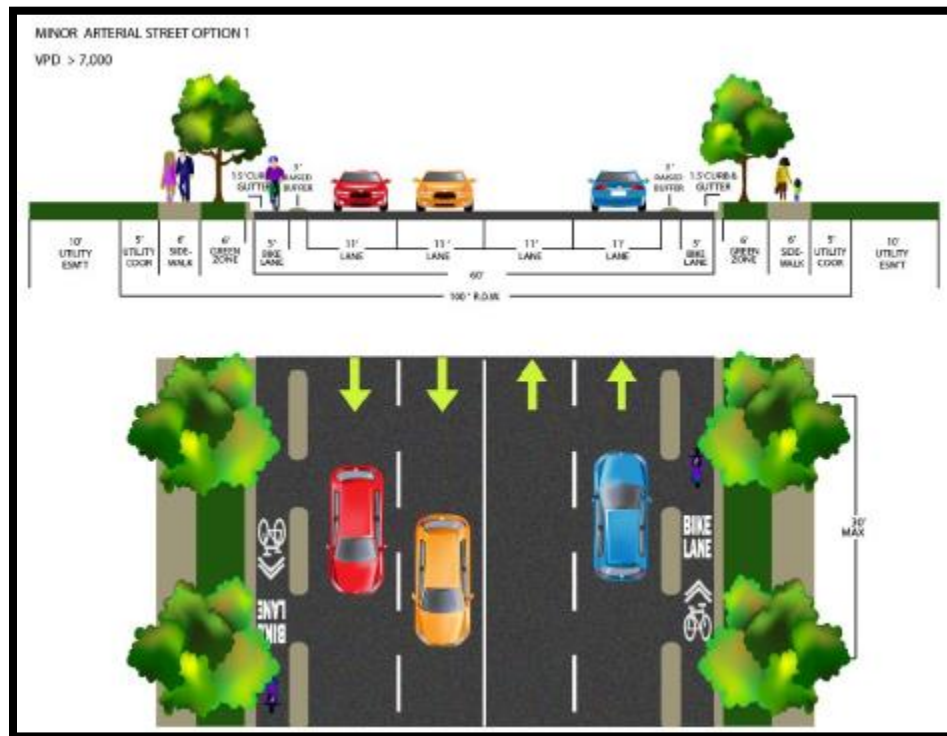
Local Streets serve the lowest traffic volumes. Low traffic volumes combined with slow travel speeds help to create a good residential setting. New developments should be reviewed to avoid creating cut-through streets that become commuter routes that generally lower quality of life for residents.

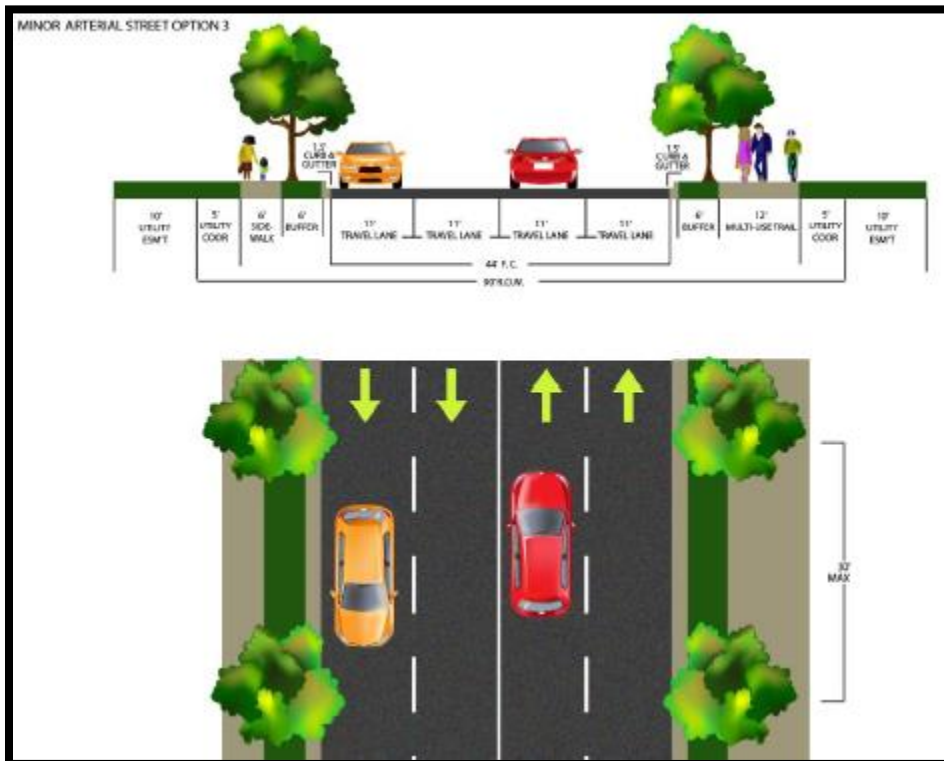
FUNCTION: The Local Street function is to provide access to adjacent property. The movement of traffic is a secondary purpose. The use of a Local Street in a residential area by heavy trucks and buses should be minimized.

DESIGN: Local Street Option 1 is to be used when on-street parking is provided within the development. Option 2 is to be used when on-street parking is not provided within the development. Option 3 is to be used in commercial mixed use areas.

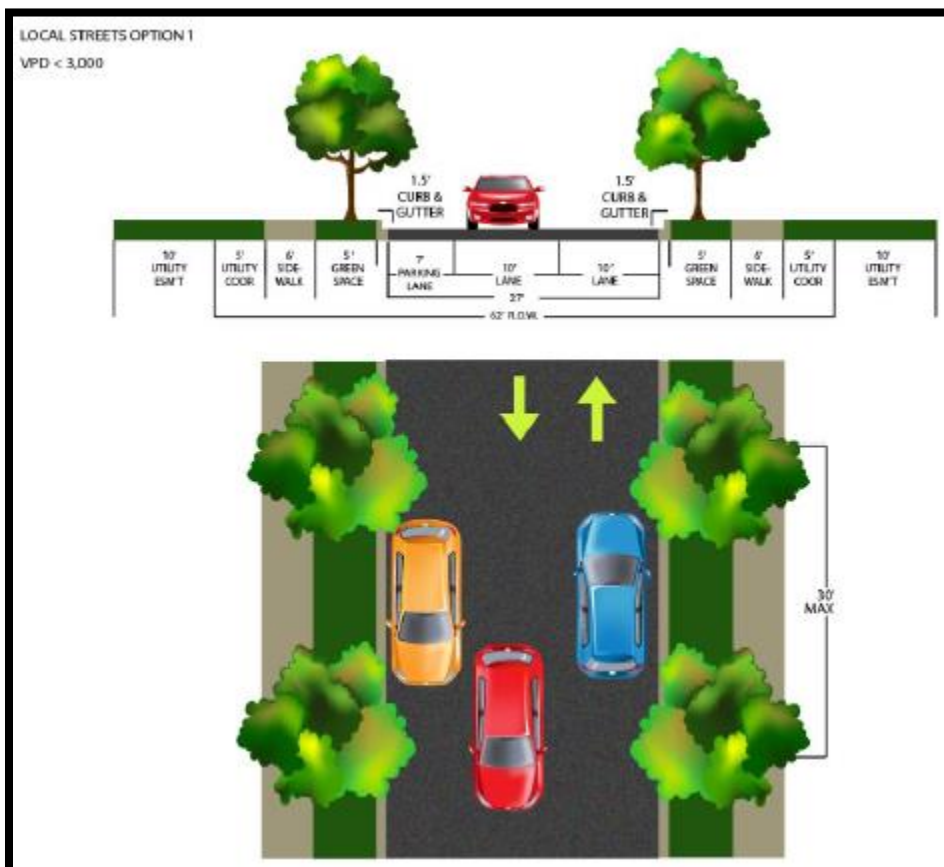


Minor Arterial

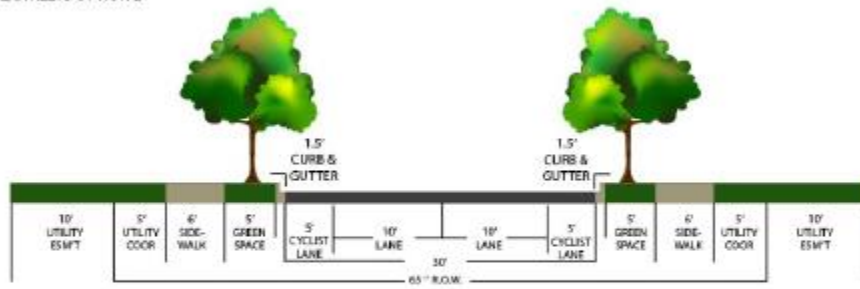




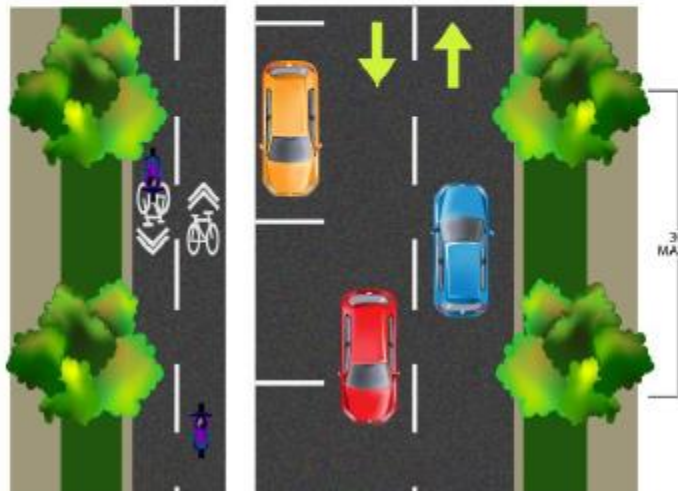
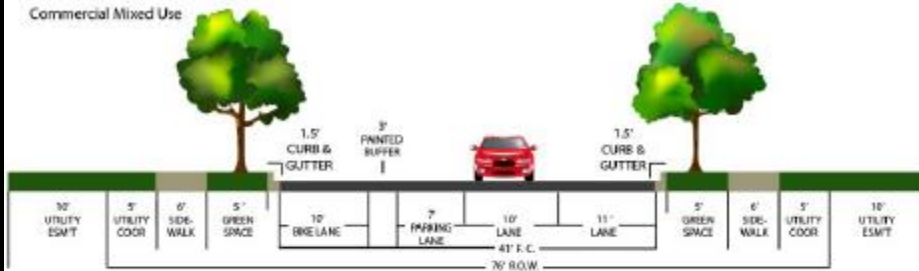
Local Street



LOCAL STREETS OPTION 2









LOCAL STREETS OPTION 3
Commercial Mixed Use



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 district rezoning is consistent with the Adopted Land Use Plan, which is categorized as a Moderate Intensity Growth Sector.	
(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 not achieved with this rezoning considering the surrounding area is predominantly residential uses.	
(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 cannot develop as a medical office.	
(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;	With proper planning there should not be any adverse effects caused by the property if rezoned to residential.	
(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 moderate/high intensity uses currently exist in this area.	

Staff Findings:

Applicant's Purpose

The proposed area is currently classified as "R-2" multifamily low density district. The applicant is applying for a rezoning to allow a pregnancy resource clinic to occupy this property.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*.

Chapter 117 of the City Code of Ordinances/Zoning defines C-2 as follows:

C-2, downtown fringe commercial district. This district provides for a transitional area between the downtown core commercial district (C-1) and the surrounding older residential areas which have yet to experience intrusions of other type uses. The fringe area is characterized by mixed uses, including offices, services, government facilities and housing. This district is generally considered an inappropriate location for large retail uses greater than 3,000 square foot, with the exception of C-2 zoned land within the Hotel Corridor area, defined and bound by I-63 to the South, Caraway Road to the West, Richardson Drive to the East, and Race Street to the North. In addition, residential is an allowed use in this district except in the hotel corridor as defined above.

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

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 23-14 a request to rezone property from “R-2” multifamily low density district to “C-2 LUO”, downtown fringe commercial district with a limited use overlay; the following conditions are recommend:

1. 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. The Limited Use Overlay shall prohibit the following uses:
 - Cemetery
 - Golf Course
 - Nursing Home
 - Restaurant (general & fast food)

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

Sample Motion:

I move that we place Case: RZ 23-14 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 “R-2” multifamily low density district to “C-2 LUO”, downtown fringe commercial district with a limited use overlay will be compatible and suitable with the zoning, uses, and character of the surrounding area.



Rezoning Sign

**MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON SEPTEMBER 26,
2023**

Nathan & Kendy Schimmel are requesting a rezoning from R-2, multifamily low density district, to C-2 LUO, downtown fringe commercial district with a limited use overlay. This request is for 1.16 acres located at 312 E. Nettleton Avenue.

Garret Dunham (Proponent): Good evening, Garret Dunham 3131 Galloway Ct, I am here representing the owners and the potential buyers of this property, 312 West Nettleton, We are seeking to be able to move the ministry of options, a (unable to transcribe) resource center to this location. The ministry currently has approximately 6 staff members, hours of operation are 10am – 4pm. Any parking improvements will be at the rear of the building. The residents at Nettleton will be undisturbed. I wanted to follow up on a comment that was made, at the pre-meeting yesterday concerning the spot zoning. It does seem as though, there might be an issue with spot zoning with the R-2 surrounding that area. However, I would if I could, like the read the C-2 definition from the Code of Ordinances, sections 1-17 says a C-2 downtown fringe commercial district provides for a transitional area, between the downtown core commercial district and the surrounding older residential areas, which have yet to experience intrusions of other types. The fringe area is characterized by mixed uses including offices, services, government facilities, and housing. I feel as though this is not necessarily a spot zoning to that effect. We’re not trying to zone Industrial in the middle of a single family home residential neighborhood. It matches the definition for zoning itself. The property in question is less than two blocks away from the downtown redevelopment district. It is our interpretation that a C-2 is appropriate to this area as it is consistent to the nature of the businesses directly adjacent to the property. With monastery school to the west and Oasis for Kids Learning Center to the south. Both of which are legal nonconforming lots that even if they were to be started today would still need similar zoning, not the R-2 zoning. They would need a similar zoning that we are requesting today. My final remark is that we are requesting that this property be rezoned to C-2 with a LUO and from an R-2. The director of options is here to speak of the behalf of the day to day ministry that would be appropriate at this time.

Lonnie Roberts: That is your call, we still have some time left.

Debra Coots: Hi, I am Debra Coots the Executive Director at Options and I thank you for having us tonight. Our day to day operations is, of course as y’all are familiar with a pregnancy resource center. We serve women who have unplanned pregnancies because of the nature we try to be very private and keep them very confidential. So, we look for a safe place, we look for a quiet place. We love the area and everything that the homeowners love about that. We want to preserve that with them, we only have about 4 clients a day because we only schedule them like one an hour. It’s not like a regular doctor’s office where you have, appointments set to every ten to fifteen minutes. We wanna keep their confidentiality. So, we only have one client come in at a time so, traffic is low. We want a nice home environment for them. When their on that decision of trying to choose life and death for their baby that we have that safe place for them. That quiet place that you would feel when you’re at home. We love the area and we don’t wanna disturb the beauty of what homeowners love, we want to be part of that and be their neighbors.

Lonnie Roberts: Alright, thanks for your comments.

Debra Coots: Thank you.

Lonnie Roberts: City planner do you have the staff comments on this one?

Derrel Smith: Yes sir, we do, we reviewed it, and it meets 5 of the 6 approval criteria. With the only one being number C, about the capability it's not achieved with the rezoning considering the surrounding area is predominantly residential. Other than that we would recommend approval with the following stipulations:

1. 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.
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Lonnie Roberts: I'm going to open up for public comments, but before I do, I have a letter to read, the person who sent this letter asked that the letter be read, since they are in absence of the meeting, and this is coming from Greg and Bridgette Arnold. I do by the way have five letters of opposition here, I don't some more have come in but anyway, this is the letter:

Greg and Bridgette Arnold Letter (Opponent): To the planning commission regarding the zoning of 312 E Nettleton, thank you for your service and leadership to the city of Jonesboro, my family has lived at 318 E Nettleton Avenue for 23 years, our neighbors at 312 E Nettleton are purposing a zoning change from residential to commercial with stipulations. We strongly oppose any zoning change to a historical residential neighborhood. 23 years ago we fell in love with the historic and beautiful neighborhood and purchased our home, with the intention of never moving. The trend to reside back in the downtown area has grown and we have invested in this area that depending on the zoning of the area to remain as attended. Several years ago there was a push for Nettleton Avenue to become a five lane street. This was reconsidered and not accomplished because it was agreed that this was a residential neighborhood. Commercial property is not in super high demand, that residential zoning is warranted for this property based on the community needs. While we respect the nonprofit work of the organization. We do not feel their need to supersede our rights of residential zoning to remain as it is, when we purchased our house. It is likely that our home value and those of our neighbors would be negatively affected by the rezoning request. We respectfully request that this zoning request be denied. Thank you for your consideration of this matter. We will be out of town during this meeting but we will have representation. If you have any questions or concerns please contact me at any time,

Lonnie Roberts: And I have his contact information. That being said I will go ahead and open up, is there anyone else here to give public input, regarding this re-zoning request, if you would come up to the mic, state your name for the record, we allow about 5 minutes per person and try to present new information.

Jim Burton (Opponent): Good evening everybody I'm Jim Burton. My wife Jerry and I bought our house at 320 E Nettleton. Next door to Bridgette and Greg Arnold, 43 years ago. We lived there ever since, we have over that period of time invested hundreds of thousands of dollars in our house and property. We bought it, from Pioneer family the (unable to transcribe) who also coincidentally have built the property in question here. We expected that it would always remain a residential area, we had no inkling that anything like this would ever happen. We helped to fight down the 5 lane proposal which would have turned Nettleton into a parallel with Highland about 18 years ago. We did it because we love our home. Our home is surrounded on every side by sizeable historic homes. Our home was built in 1950. The Arnold's house was built by Dr. Stroud in 1936. Bob's house is across the street at 319 had been there 35 years, these are not homes that change hands very often and we don't have an inkling as to what this operation would do to the overall property values singularly and collectively. The other letter spoke in terms of medical procedure, which this one says medical services, but it also says we provide pregnancy tests and ultrasounds. It begs the question to me, why anybody operating in limited use like that, needs a 5,000 square foot building? Unless they plan on having inpatients and turning it into a mini hospital. This is not a use that is within the zoning requirements. The owner of the monastery school is here in opposition to this. The monastery school is just as quiet as it can be and we were always happy to see it come into the neighborhood. But this is a step too far. I did learn one thing as a city attorney about zonings, once you go down from residential to commercial, there's no turning back. It's just a camel's nose under the tent, and sooner or later somebody comes along and wants to expand that commercial use to an even more liberalized basis. A doctor a few years ago wanted to put a Kum n Go across the street and we all had to campaign against that and that got stopped. Jonesboro does not have a lot of historical neighborhoods. We're not that old a city but were old enough that these homes, we love and cherish, we want to keep the way they are. In addition, this letter is calm and reassuring to the quiet of the neighborhood, this is still a medical clinic and there are plenty commercial areas in this city that it could be established. Right now it's on Main Street and maybe it should stay there. I would vote this down tonight and give the neighbors on Nettleton Ave the confidence that their houses will be undisturbed. Thanks very much.

Lonnie Roberts: Thanks for the comment, yes sir would you like to speak?

Robert Wallace (Opponent): I'm Robert Wallace, I live at 319 E Nettleton, I want to back up about 200 years, on November 27th of 1820 a civil war veteran named John Olsebrook was awarded a military land bounty warrant location, for his service that was for 160 acres of land that included my property, I don't know when my current house was constructed but in renovation in 1988 I found a Lucky Star sticker dated 1906 in the wall, where the previous owner installed a gas burning heater, my property today is less than an acre it is comfortable for my use. When I'm at my window in my kitchen I am looking out at discarded daycare equipment, from the daycare I share a property line with on the west of my property. Even though it is unsightly I do not complain because the daycare does not use the yard for children, it does however cause yardwork to be done, when I was renovating my house I was told that a rock band live in the daycare building once. I'm trying to give you some history of this situation. Like, my house is limited to, an area from Main to Nettleton going to East to Caraway is one of most of historic value to the city. What was once 160 acres has been

chiseled down to 1 acre as far as I'm concerned. Both ends of the street have been occupied by businesses such as the daycare monastery, FedEx, Heavenly Ham, etc. but I am told they were established before the city zone was established and now are grandfathered in. Our historic neighborhood is one that Hwy 63 was once the corner of all traffic through Jonesboro and approximately in 1999 the city decided to widen Nettleton and a man informed me that there were to be 5 lanes, the residents gathered together and fought against this. We met with the city several times and were offered 3 lanes of traffic, this community would have been destroyed with the proposed traffic coming through there. This clinic is already located downtown, if it wants to relocate then why not in the Hilltop area, where NEA Hospital is drawing attraction for their service? Another area is E Matthews where St. Bernard's goes all the way down the intersection to E Washington and has similar businesses. This would also give them access to the students from ASU. This application is just another effort to convert our historic community by moving the zoning line to another commercial development. And removes another section of historic homes that used to reside on Hwy 63. We request a no vote.

Lonnie Roberts: Thanks for your comment.

Jeremy Moore (Opponent): Good evening my name is Jeremy Moore, I am a property owner and business owner of Monastery school at 300 E Nettleton. This has nothing to do with Options on Main, we hope they're able to find an appropriate location to continue what they do, I do not feel like the location on Nettleton is appropriate for what their wanting to do. Monastery has been there for 50 years, we're the 3rd owner, we try to maintain the property how it's always has been it's a very historic place and that is how we want it to continue the house next door in question is a wonderful piece of property. The problem is when it becomes a commercial zoning, is that if something we to happen to Options on Main the zoning would not go with them it would stay with that property. With that being over an acre there is too many options that could go there, that would have a negative impact, not only on our business but along with the surrounding properties that are there. I appreciate everybody on the board, but a lot of y'all may not be on the board 10 years from now to see the impact of those decisions. I appreciate everything y'all do. Thank you

Lonnie Roberts: Thank you for those comments, anyone else at this time? If not I'm going to open up for commissioner's comments or questions of the Proponent or the city staff.

Jimmy Cooper: I've been on this staff for many years, and I think this commission has put out a strong effort to stop, spot zoning and no matter how you paint this, this is spot zoning.

COMMISSION ACTION:

Mrs. Stephanie Nelson made a motion to approve Case RZ: 23-14, as submitted, to the City Council with the stipulations that were read by the Planning Department:

1. 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. The Limited Use Overlay shall prohibit the following uses:
 - Cemetery
 - Golf Course
 - Nursing Home
 - Restaurant (general & fast food)

The motion was seconded by Mr. Jim Little.

Roll Call Vote:

Aye: 0

Nay: 7 - Paul Ford, Stephanie Nelson, Jeff Steiling, Kevin Bailey, Monroe Pointer Jimmy Cooper, & Jim Little

Absent: 1 - Dennis Zolper
