

City of Jonesboro City Council
Staff Report – RZ 17-36: 2301 South Culberhouse
Municipal Center - 300 S. Church St.
For Consideration by the City Council on January 16, 2018

REQUEST: To consider a rezoning of one tract of land containing 0.22 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 0.22 acres of land located at 2301 South Culberhouse Street from R-1 Single Family Residential to C-3 LUO General Commercial District with a Limited Use Overlay.

APPLICANTS/OWNER: Charles M. Mooney, 4015 South Main Street, Jonesboro, AR
 Richard Foster, 2701 Nottingham, Paragould, AR

LOCATION: 2301 South Culberhouse, Jonesboro, AR

SITE DESCRIPTION: **Tract Size:** 0.22 acres

STREET FRONTAGE: **Street Frontage:** 200 feet
Topography: Flat
Existing Development: Former Restaurant Location

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	R-1 Single Family Residential
South	R-1 Single Family Residential
East	R-1 Single Family Residential
West	R-1 Single Family Residential

HISTORY: Former restaurant location.

ZONING ANALYSIS

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

COMPREHENSIVE PLAN LAND USE MAP

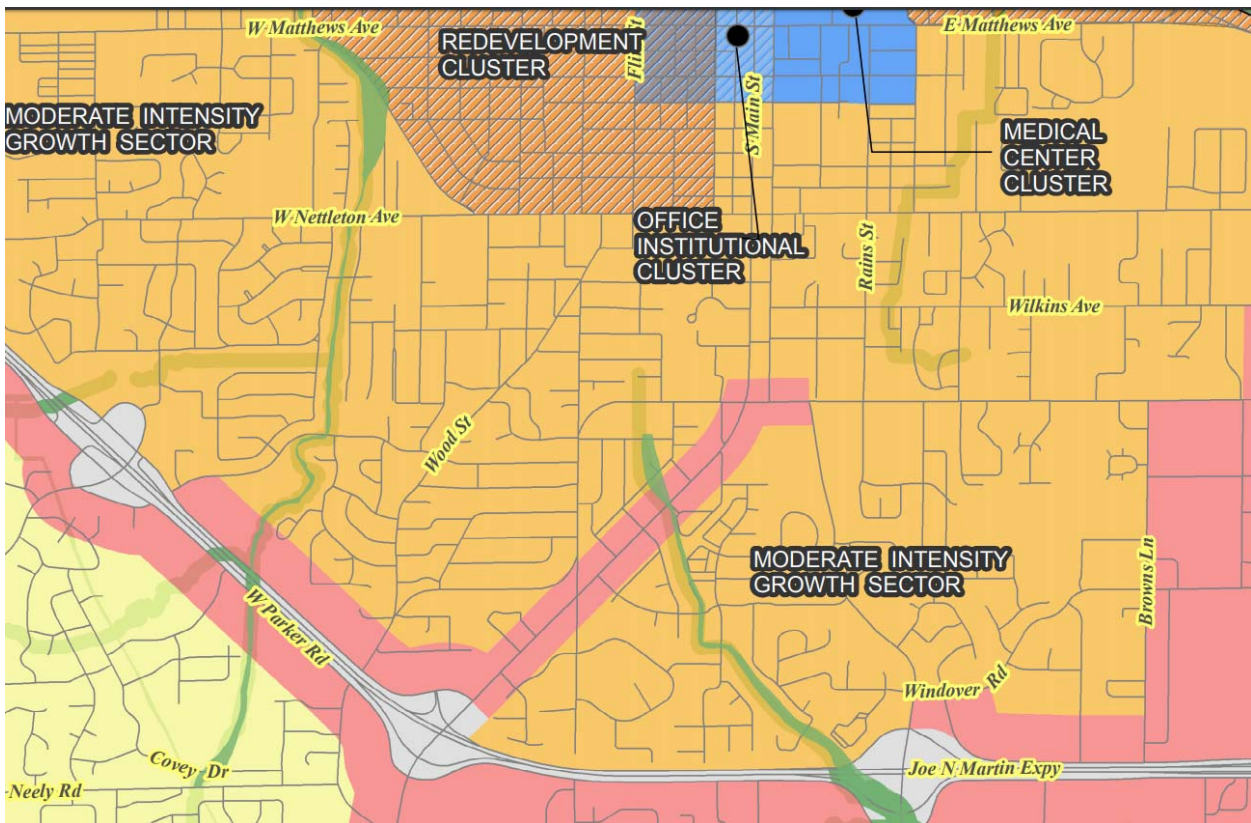
The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector. A wider mix of land uses is appropriate in the moderate intensity sectors. Control of traffic is probably the most important consideration in this sector. Additionally, good building design, use of quality 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 shops.

Typical Land Uses:

- Single family residential
- Attached single family residential, duplexes, triplexes, and fourplexes
- Neighborhood retail, neighborhood services
- Office parks
- Smaller medical offices
- Libraries, schools, and 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

MASTER STREET PLAN/TRANSPORTATION

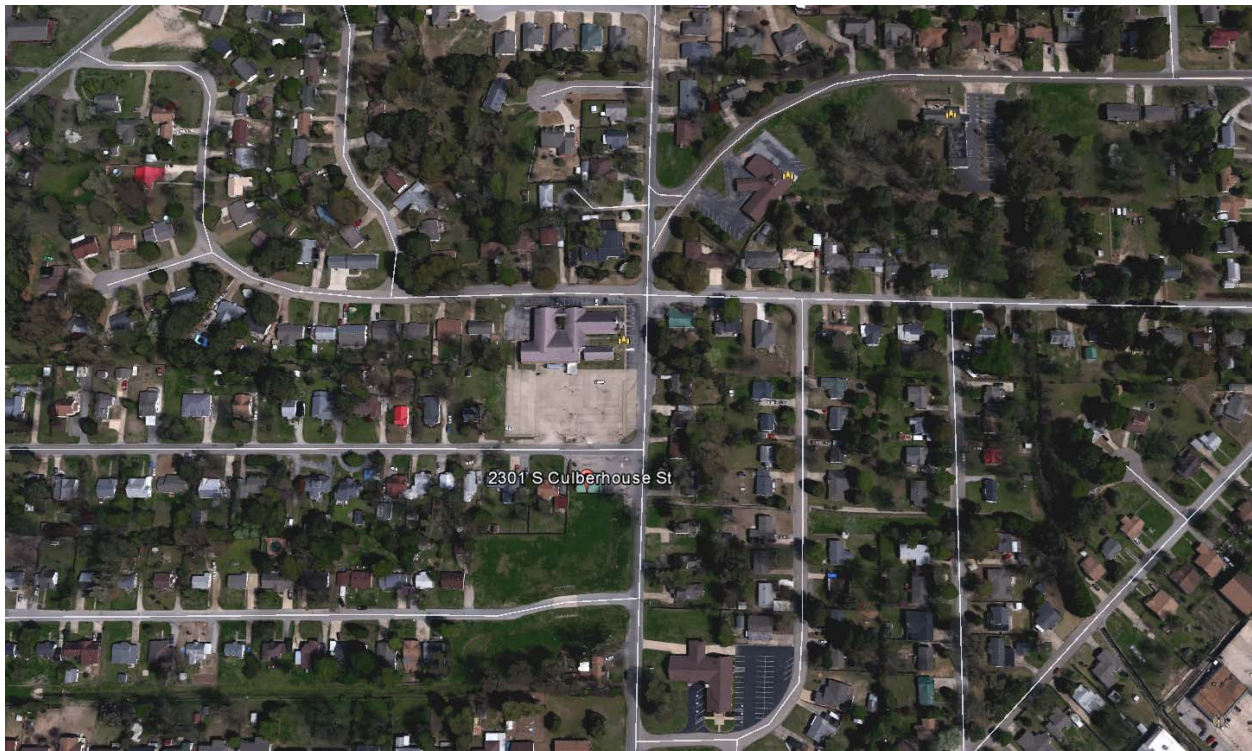
The subject site is served by South Culberhouse Street. The street right-of-ways must adhere to the Master Street Plan.



Adopted Land Use Map









Aerial/Zoning Map



Aerial View

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 Lane Use Plan shows the land to be in a Moderate Intensity Growth Sector. A restaurant is not one of the typical land uses recommended by the Land Use Plan.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	This building has been operating as a restaurant for several years. It has been closed down for around 1 year. Rezoning this property to C-3 would make this property consistent with our zoning ordinances.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	This property is surrounded by single-family residential housing. The closest commercial area is off Southwest Drive.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	The building on this property was design to be a restaurant. That being said, if the rezoning were denied, the building could be remodeled or removed and single-family housing could be placed on this lot.	
(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 property has operated as a restaurant for several years. Rezoning this property so the restaurant will be in compliance with our zoning codes will not be detrimental to the surrounding area any more than it has been over the last several years. This rezoning will not cause the property to be more detrimental to the surrounding area.	
(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.	With proper screening in place, this development should have little impact on the surrounding area.	

STAFF FINDINGS

APPLICANT’S PURPOSE: The applicant would like to rezone the property so they can operate a restaurant and food establishment at this location. The applicant has already invested nearly \$10,000 dollars’ worth of improvements to the building. He was unaware of the zoning issue until he come to the Planning and Zoning Department.

Chapter 117 of the City Code of Ordinances defines C-3 General Commercial as:

C-3 General Commercial: The purpose of this district is to provide appropriate locations for commercial and retail uses, which are convenient and serve the needs to the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial streets. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

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.	
School System	No objections to this rezoning to date.	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON JANUARY 9, 2018

APPLICANT: Mr. Charles Mooney requested MAPC approval of a Rezoning at 2301 South Culberhouse. They would like to rezone the property from “R-1” Single Family Residential to “C-3” General Commercial District Limited Use Overlay. Mr. Mooney agreed to limit the use on this property to restaurants and food establishments. He also pointed out that, over the last several years 15 to 30 years, there has been several restaurants operating from this address.

His client became aware of the R-1 zoning when he tried to get the CO for the new restaurant moving into the building. After investing around \$10,000 into improving the property, his client found out they would need to rezone the property to C-3 in order to operate a restaurant at this location.

APPLICANT: Mr. Mooney also provided the Commission with pictures showing drainage improvements the city has made next to this property. As his pictures show, even though the property next to this is zoned R-1 but may never be developed at single-family residential.

STAFF: Mr. Jonathan Smith presented staff comments. One of the Planning Departments main concerns was rezoning a property to Commercial even though it was surrounded by R-1 zonings. However, the applicant agreed to limit the use to restaurant and food establishment, which is what operated at the location for several years, and that eased our concerns. Mr. Smith also explained the rezoning criteria. The reason why some of the criteria did not receive approval from the Planning Department is that a restaurant is not one of the typical recommended uses for this Density established by the Land Use Plan. He also recommended attaching the following conditions to the request:

- 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 MAPC, 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 etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.**
- 5. The property will only be allowed to operate as a restaurant and food establishment.**

APPLICANT: Mr. Charles Mooney wanted to clarify the word “redevelopment.”

STAFF: Mr. Jonathan Smith said any addition to the building or changing the building.

APPLICANT: Mr. Charles Mooney also pointed out there are churches and parking lots next to this property. The only residential houses in the area are in front of the house and behind the house.

No Public Comments.

COMMISSION ACTION:

Mr. Jimmy Cooper made a motion to approve Case: RZ: 17-36, 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 MAPC, 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 etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. The property will only be allowed to operate as a restaurant and food establishment.

The MAPC find that to rezone property from “R-1” Single Family Medium Density District to “C-3” General Commercial District Limited Use Overlay. Motion was seconded by Mr. Jerry Reece.

Roll Call Vote: 7-0, Aye’s: Jim Scurlock; David Handwork; Kevin Bailey; Jerry Reece; Jimmy Cooper; Jim Little; and Dennis Zolper

Absent: Jeb Spencer

CONCLUSION

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should the Council decide to approve based on the above observations and criteria of Case RZ 17-36, a request to rezone property from R-1 Single Family Residential to C-3 General Commercial District LUO, subject to final site plan approval by the MAPC and the following conditions:

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 MAPC, prior to any redevelopment of the property.
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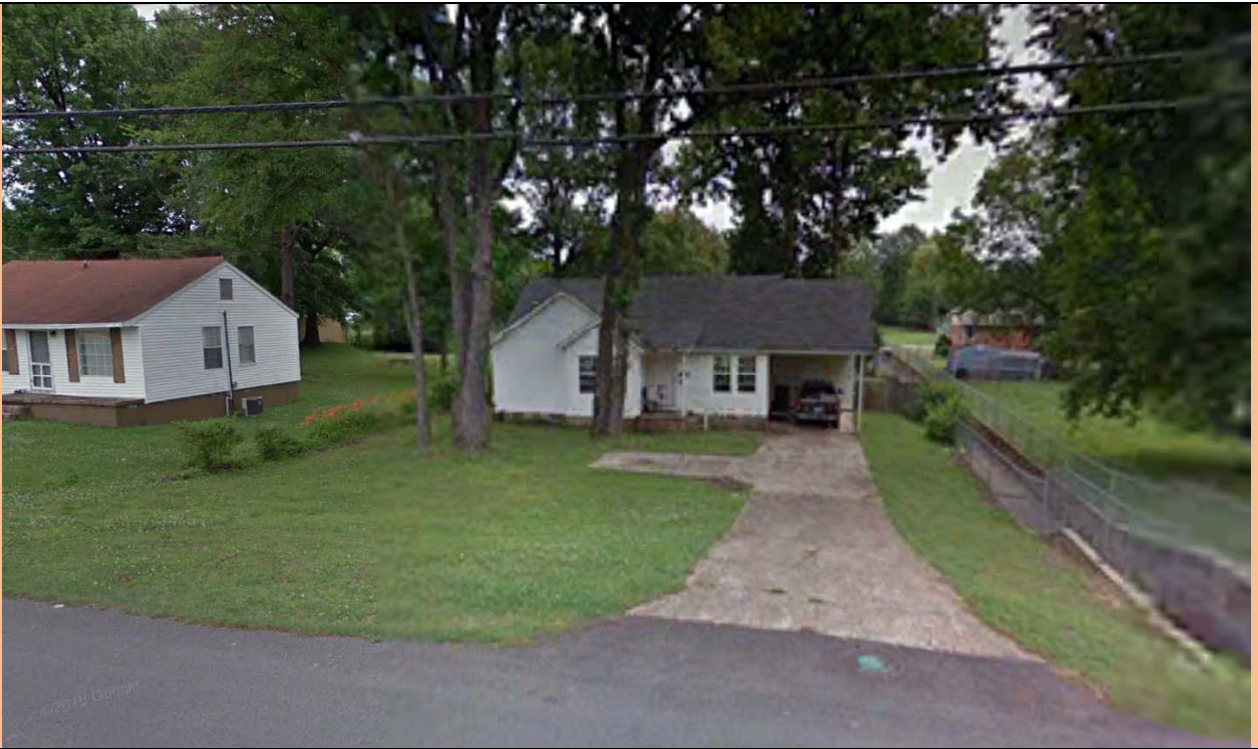
Respectfully Submitted for City Council Consideration,
The Planning Department



View looking North



View looking South



View looking East



View looking West