

City of Jonesboro City Council
Staff Report – RZ 16-26: 3611 and 3637 E. Johnson
 Municipal Center - 300 S. Church St.
For Consideration by the Council on November 15, 2016

REQUEST: To consider a rezoning of one tract of land containing 1.31 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC for an amendment to the rezoning of the uses that go along with the C-3 LUO of 1.31 acres of land located at 3611 and 3637 East Johnson.

**APPLICANTS/
OWNER:** P&H Investments, P.O. Box 17316, 2400 Highland Drive, Jonesboro, AR 72403

LOCATION: 3611 and 3637 East Johnson, Jonesboro, AR 72404

**SITE
DESCRIPTION:** **Tract Size:** Approx. 1.31 Acres
Street Frontage: 82.87 feet along East Johnson Ave.
Topography: Flat
Existing Development: Developed

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	C-3 General Commercial District
South	C-3 LUO General Commercial District
East	C-3 General Commercial District
West	C-3 LUO General Commercial District

HISTORY: This land has been developed.

ZONING ANALYSIS

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

COMPREHENSIVE PLAN LAND USE MAP

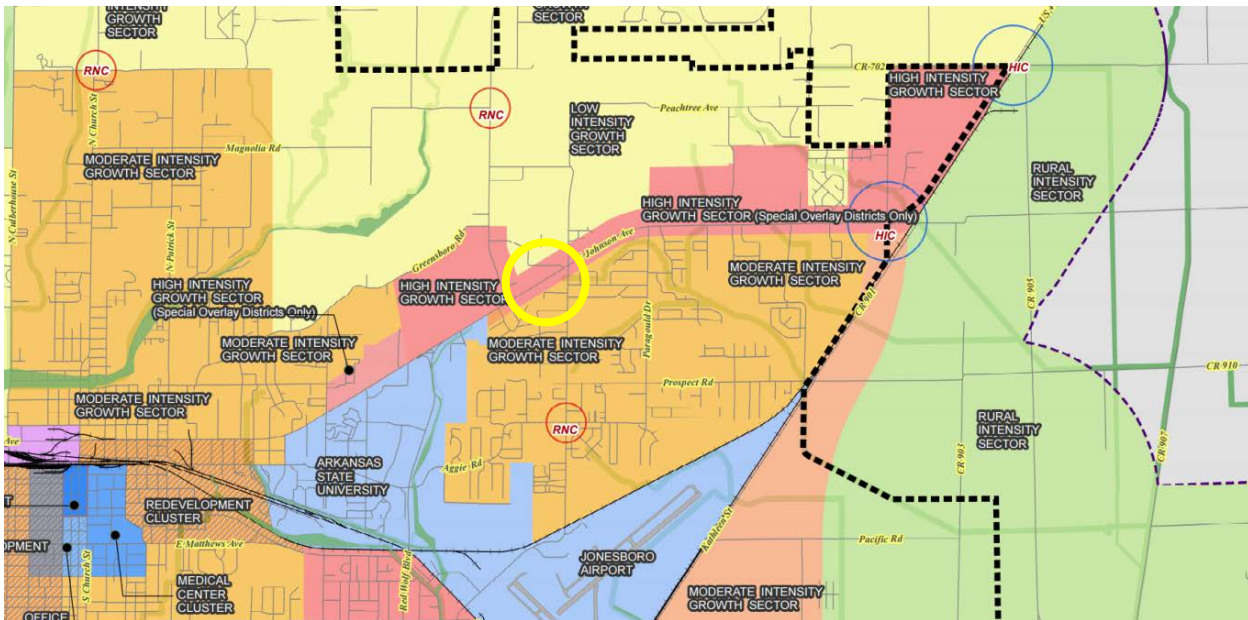
The Current/Future Land Use Map recommends this location as a High Intensity Growth Sector. A wide range of uses is appropriate in the high intensity zones, from multi-family to fast food to Class A office space to outdoor display/highway oriented businesses like automotive dealerships, because they will be located in area where sewer service is readily available and transportation facilities are equipped to handle the traffic.

High Intensity Growth Sector Recommended Use Types Include:

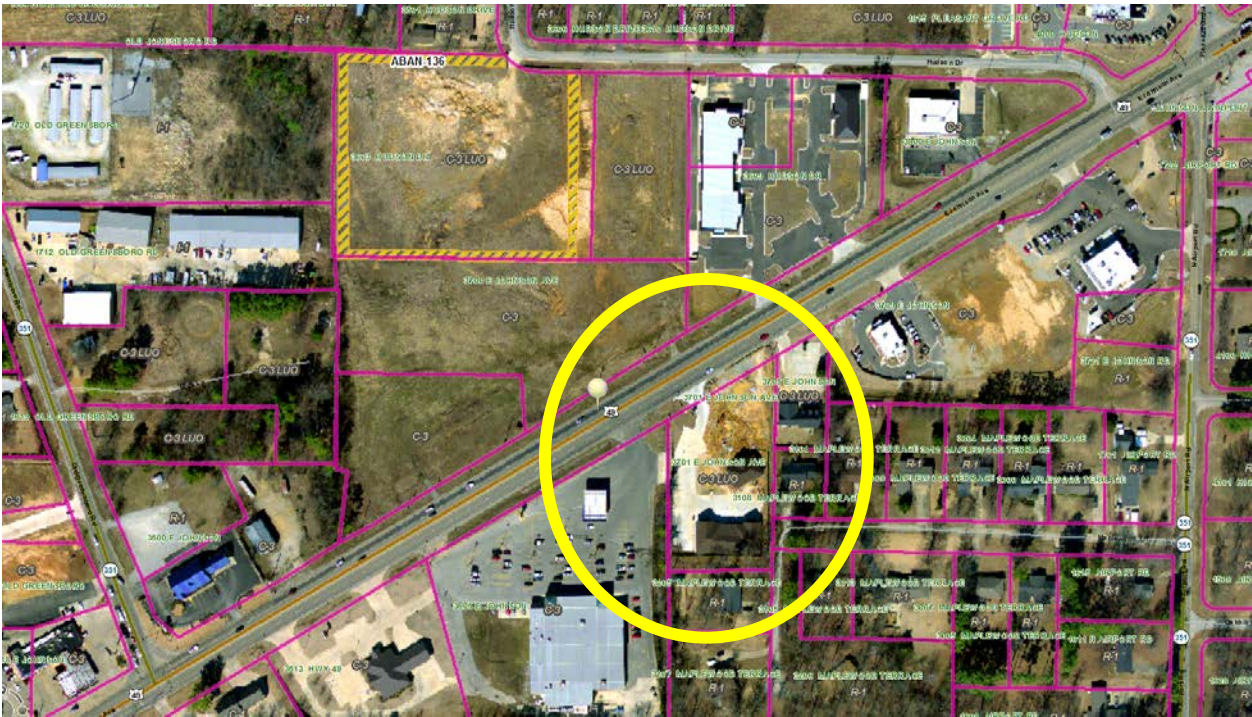
- Regional Shopping Centers
- Automotive Dealerships
- Outdoor Display Retail
- Fast Food Restaurants
- Multi-Family
- Service Stations
- Commercial and Office
- Call Centers
- Research and Development
- Medical
- Banks
- Big Box Commercial
- Hotel

Master Street Plan/Transportation

The subject site is served by East Johnson Ave., which on the Master Street Plan is defined as a Principal Arterial; 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 proposed C-3 LUO rezoning is consistent with the Future Land Use Plan, which was categorized as a High 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.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This area already has several commercial developments in the area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Property is suitable for commercial development and is already built.	
(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.	This site and use should not be a detriment to the area with the controls that are implemented with screening and buffering with any environmentally sensitive surrounding uses.	
(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.	The property is developed. The applicant is requesting changes to the uses that go along with the Limited Use Overlay.	
(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 changes to the uses of the Rezoning due to the fact that business currently exist with only minor upgrades.	

Staff Findings:

Applicant’s Purpose:

This site has already been fully developed. The applicant wants to modify the permitted uses for the property. They feel the revised permitted uses will have no detrimental impact on the surrounding area. The following table shows a list the current permitted uses as well as the proposed list of permitted uses:

Current List	Proposed List
Animal Care, Limited	Automated Teller Machine
Automated Teller Machine	Bank or Financial Institution
Bank or Financial Institution	Church
Church	Day Care, General
Day Care, Limited	Government Service
Government Service	Medical Service/Office
Library	Office, General
Medical Service/Office	Utility, Minor
Office, General	Retail/Service
Utility, Minor	

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

C-3, General Commercial District. The purpose of this district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of 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 groups 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.	

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested C-3, L.U.O. Neighborhood Commercial 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:

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
Warehouse, residential (mini) storage	Conditional	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		
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		

MAPC RECORD OF PROCEEDINGS: MAPC MEETING HELD ON NOVEMBER 8, 2016

APPLICANT: P & H Investments requested rezoning approval from the MAPC for property located at 3611 and 3637 East Johnson Ave. This request is only for revisions to the list of permitted uses for the property. The property will remain zoned C-3 LUO. The MAPC is reconsidering this request because the first application that was approved had an incorrect address.

STAFF: Mr. Derrel Smith said this request does meet all of Planning’s criteria for a rezoning request.

COMMISSION: There were stipulations attached to this request if approved by the Council as follows:

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 16-26, a request to change the uses to the property within the “C-3” L.U.O. General Commercial District.

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.

Current List	Proposed List
Animal Care, Limited	Automated Teller Machine
Automated Teller Machine	Bank or Financial Institution
Bank or Financial Institution	Church
Church	Day Care, General
Day Care, Limited	Government Service
Government Service	Medical Service/Office
Library	Office, General
Medical Service/Office	Utility, Minor
Office, General	Retail/Service
Utility, Minor	

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 16-26, a request to change the uses to the property within the “C-3” L.U.O. General Commercial District.

5. 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.
6. 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.
7. Any change of use shall be subject to Planning Commission approval in the future.
8. 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.

Respectfully Submitted for City Council Consideration,
The Planning Department



View looking North



View looking South



View looking East



View looking West