



City of Jonesboro City Council
Staff Report – RZ 12-06: Grayson Investments 3701 E. Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council

REQUEST: To consider a rezoning of a parcel of land containing 1.61 acres more or less

PURPOSE: A request to consider an appeal of a denial recommendation to Council for a modification to an existing “C-3 L.U.O.” General Commercial, as ordered by the Circuit Court. SEE MAPC RECORD OF PROCEEDINGS ATTACHED.

APPLICANT OWNER: Attorney Jim Lyons P.O. Box 7044 Jonesboro, AR 72403
 Grayson Investments, 1203 Dove Road, Jonesboro, AR 72401

LOCATION: 3701 E. Johnson Ave., Jonesboro, AR (Directly east of Bill’s Fresh Market

SITE DESCRIPTION: Tract Size: Approx. +/- 1.61 Acres 70,131 sq.ft.
 Frontage: Approx. 235.57’ +/- Johnson Ave.
 Topography: Flat
 Existing Development.: Single Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial
South:	R-1	Residential
East:	C-3 LUO, R-1	Eye Doctor, Residential
West:	C-3	Commercial

HISTORY: The property was denied by City Council on January 16, 2006 in a rezoning request from “R-1” to “C-3”, but was later settled in the Circuit Court of Craighead County, Arkansas, Western District Civil Division and rezoned to “C-3” L.U.O. with specific stipulations for uses and improvements (See attached Consent Judgment- Filed November 16, 2006).

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Single Family Residential. The current rezoning while inconsistent with the adopted Land Use Map, is consistent with the general area that is in major transition: and, one that serves as a Growth Node near the Hwy. 351 intersection and the new NEA Baptist Memorial Hospital. Staff recommends a map revision for this site, due to the new information, as well as the major corridor in which it fronts.

Approval Criteria, Section 117-34 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan;
- (b) Consistency of the proposal with the purpose of the zoning ordinance;
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (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;
- (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
- (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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by E. Johnson Ave./Hwy. 49 N which is a State highway and major arterial. The right of way width is 60' from centerline, as depicted on the Rezoning Plat. Staff does not anticipate additional right of way is needed for the proposed project.

Zoning Compliance:

The applicant is proposing to use the property at the highest and best use given the amount of traffic and other development along Highway 49N. However, some buffering and screening is needed for the remaining single family residence to the west of the site. This was conditioned by the Judge Order applied to this case, and the applicant plans to satisfy all buffering and screening previously mandated.

The applicant is requesting a change in the list of uses as ordered by the Judgment attached to this case. The specific list of uses by the Court (Case CV-2006-88(JF)) is as follows:

- a. Animal Care, Limited,
- b. Automated Teller Machine
- c. Bank or Financial Institutions
- d. Church (with conditional use permit)
- e. Day Care, Limited
- f. Government Service
- g. Library
- h. Medical Service/Office
- i. Office, General
- j. Utility, Minor

The following improvements were also ordered prior to Final Occupancy and will still apply:

(i) Solid fence, 8 ft. in height shall be installed along the property line adjacent to the property property zoned R-1 on the South boundary as well as that portion of the East boundary zoned, R-1; (ii) That there be a buffer zone of forty feet (40') between any structure or parking and any R-1 zoned property except as reduced in subsection (v) below; (iii), Trees a minimum of eight feet (8') in height shall be planted along the fence to provide an additional layer of screening and buffering between the Property and properties zoned R-1 adjacent to the Property; (iv) There shall be no vehicular access, from this Property to Maplewood Terrace or vice versa; and (v) The width of the buffer zone will be limited and reduced to the distance of the existing structure from the east boundary of the Property where the existing structure is located. However, if there are any exterior structural improvements that alter the size of the existing structure then the forty foot (40') buffer zone shall apply.

“...That no other, action to rezone said Property shall be necessary. However, if the City is desirous of enacting an Ordinance for this rezoning, it may do so. In the event that the City believes, claims or desires that any additional action be taken for such rezoning to be effective, the City is hereby ordered to do so.”

With this application for a Limited Use Overlay (LUO) modification, the applicant has requested and specified that the follow uses be allowed:

During the MAPC Public Hearing, Mr. Lyons presented the reduced list: (These uses are to be allowed if approved).

- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- i. Construction Sales Service
- k. Day care, limited
- l. Day care, general
- s. Medical service/office
- u. Office, general
- w. Parks and recreation
- x. Post office
- bb. Restaurant, fast food
- cc. Restaurant, general
- dd. Retail/service
- ee. Safety services
- kk. All other previously approved uses by the Court (Case CV-2006-88(JF)) is as follows:
 - Animal Care, Limited,
 - Automated Teller Machine
 - Bank or Financial Institutions
 - Church (with conditional use permit)
 - Day Care, Limited
 - Government Service
 - Library
 - Medical Service/Office
 - Office, General
 - Utility, Minor

Conclusion:

The MAPC has reviewed the requested Zone Change/modification as previously ordered as C-3 L.U.O., submitted by Grayson Investments; and, is recommending denial of Case RZ 12-06. The MAPC Record of Proceedings are attached.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking South towards Project Site



View looking North from subject property



View looking West on Johnson Ave. from drive of subject property



View looking West on Maplewood Terrace towards rear of Site



View looking North towards rear of existing home on Site



View looking North towards Johnson Ave. from Site



View from site looking West at Bills Market location



View from Property looking at Neighboring Property to the East



View Looking East on Johnson Ave. towards Bill's Market