



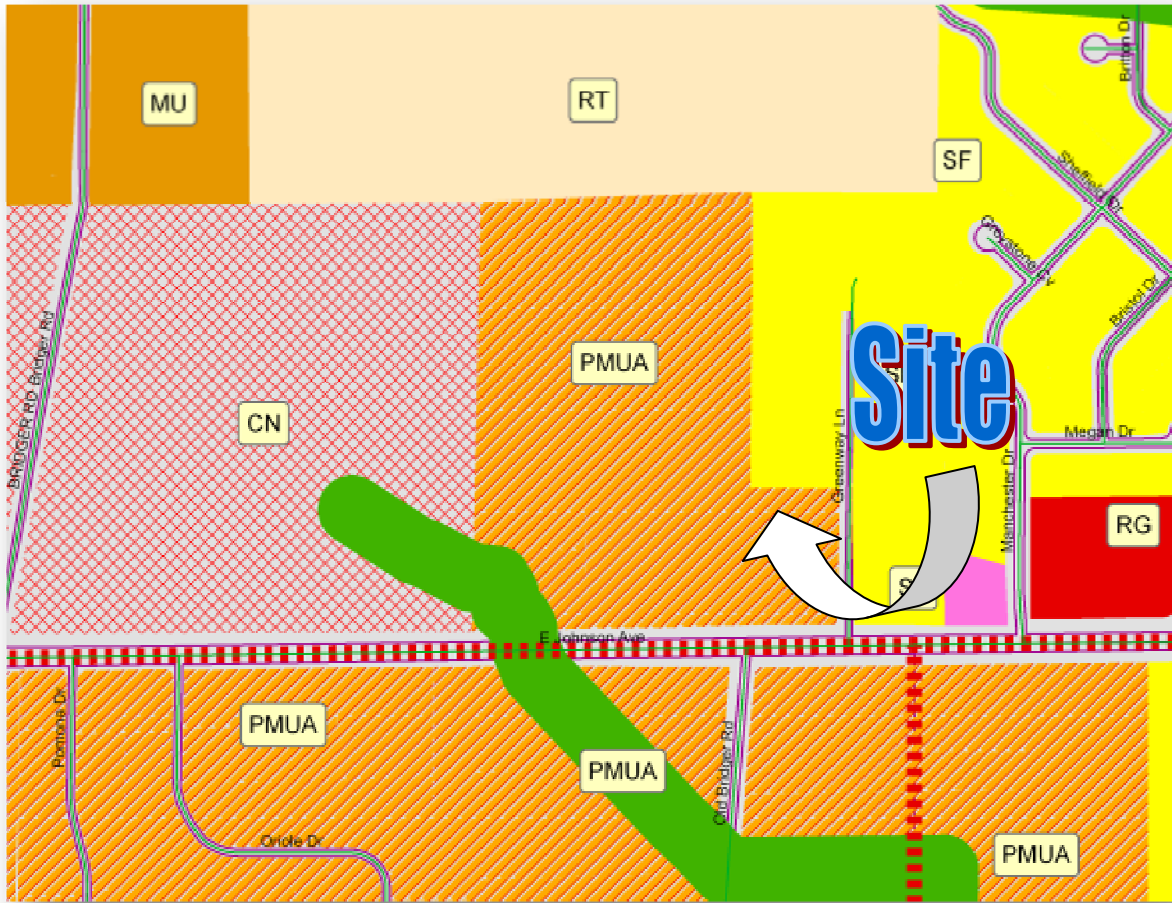
City of Jonesboro City Council
Report – RZ 13-14: Rupard Rezoning – E. Johnson Ave. & Greenway Lane
Huntington Building - 900 W. Monroe
For Consideration by the Council on August 20, 2013

- REQUEST:** MAPC rezoning approval for a parcel of land currently zoned R-1 Single Family Medium Density to a proposed C-3 Limited Use Overlay District.
- LOCATION:** Northwest corner of the East Johnson Ave. and Greenway Lane intersection.
- APPLICANT/
OWNER:** Owners: William D. Rupard, James R. Rupard, and James M. Rupard.
- PURPOSE:** Owners state that “With recent commercial growth in this area, this tract is a premier location for commercial development. There are samples of various developments in the area ranging from industrial directly across the street, to single-family to the west, to agricultural to the east. This parcel will be developed in a manner very consistent with the increasing needs for the area. The rezoning becomes necessary following study of the site and the current trends in the area.
- HISTORY:** The property has been used for two residences and agriculture.
- SITE
DESCRIPTION:** **Tract Size:** Approximately 9.77 acres/425,541.4 sq. ft.
Frontage: Approximately 171.48 ft. along East Johnson Ave. and 820 ft. along Greenway Lane.
Topography: Generally 3 to 4% slope (33:1 to 25:1).

**SURROUNDING ZONING,
PRESENT LAND USE, & FUTURE LAND USE:**

	<u>ZONING & PRESENT LAND USE</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Single Family Medium Density Two Residences and Agricultural	Planned Mixed Use Area (50%) Single Family Low Density (50%)
North of Property:	R-1 Single Family Medium Density Undeveloped Forest	Residence Transitional
East of Property:	R-1 Single Family Medium Density Single Family Residences	Single Family Low Density
South of Property:	C-3 Limited Use Overlay District Undeveloped Field	Planned Mixed Use Area
West of Property:	R-1 Single Family Medium Density Two Residences and Agricultural	Planned Mixed Use Area
Southwest of Property:	C-3 Limited Use Overlay	Planned Mixed Use Area

Residence and Agricultural



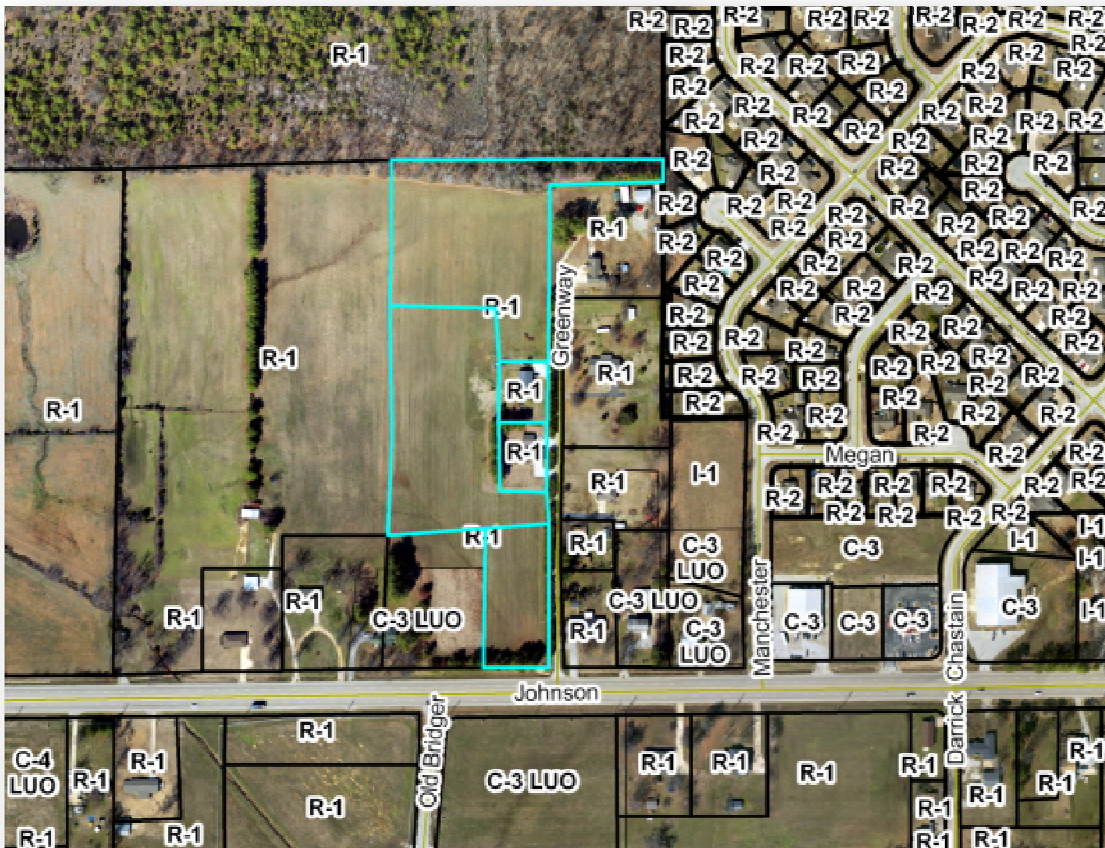
Adopted Future Land Use Plan

Approval Criteria Checklist- 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 list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 LU-O rezoning is partially consistent with the Future Land Use Plan. Approximately 50% of the site is planned as a Planned Mixed Use Area where the rezoning to C-3 LU-O is consistent and approximately 50% of the site is planned as Single Family Low Density where the rezoning is inconsistent.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible. Although the majority of the surrounding property is zoned R-1 that has been used primarily as large tract residential, an inevitable transition of the zoning is occurring toward commercial uses along the East Johnson Ave. corridor.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map	Poor suitability due to commercial development restrictions associated with the current R-1 zoning.

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;	Effective restrictions and conditions imposed on the site development of the subject property such as residential compatibility standards will reduce any detrimental effects to nearby 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	Property has not remained vacant with the current R-1 zoning.
(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.



Vicinity Zoning Map

Master Street Plan/Transportation

The subject property is served by East Johnson Ave. which is classified on the master street plan as a principal arterial which requires a minimum 120 ft. right-of-way (60 ft. to road centerline). The right-of-way dedication shown on the rezoning plat is 83.7 ft. from the road centerline.

MAPC RECORD OF PROCEEDINGS: Public Hearing held August 13, 2013

Applicant:

Mr. George Hamman appeared before the Commission as agent for the applicant for the Rezoning. He stated that he had not read the staff report and has no further comments as this time.

Staff:

Mr. Spriggs gave staff comments noting the surrounding conditions under the existing R-1 Zoning District for 9.77 acres. The Land Use Plan recommends a combination of Planned Mixed Use Area and Single Family residence. The proposed C-3 LU-O rezoning is partially consistent with the Future Land Use Plan. **Mr. Spriggs** stated that about 50% of the site is proposed as a Planned Mixed Use Area (PMUA) where the rezoning to C-3 LU-O is consistent and approximately 50% of the site is planned as Single Family Low Density where the rezoning is inconsistent. PMUA includes a combination of retail commercial, office and residential uses mixed.

Mr. Spriggs gave comments on the subject property is served by East Johnson Ave., which is classified on the master street plan as a principal arterial. The recommended right of way is a minimum 120 ft. right-of-way (60 ft. to road centerline). The right-of-way dedication shown on the rezoning plat is 83.7 ft. from the road centerline.

Mr. Spriggs noted that consideration of access management needs to be addressed during the site plan approval process. **Engineering: Michael Morris** had no concerns other than Greenway Lane being a private drive at this point. **Mr. Spriggs** asked **Mr. Hamman** for his comments on the status of Greenway Lane.

Mr. Hamman: One of the warranty deeds has shown an ingress/egress easement granted in one area (1/2 of right of way). We are willing to dedicate at least one/half of the requirements. He noted one previous plat done in 1989 where one side of Greenway was dedicated. There is no right of way to get to that dedicated tract. The main driveway will be as far from Greenway as we can get it. They were looking at some access to include the property to the west; however, those details are still pending.

The **Conditions** were read:

1. The proposed listed uses that would be prohibited under the requested limited use overlay include:
 - a. Animal care, general
 - b. Animal care, limited
 - c. Cemetery
 - d. Construction sales and service
 - e. Day care, limited (family home)
 - f. Day care, general
 - g. Funeral home
 - h. Nursing home
 - i. Pawn shop
 - j. Golf course
 - k. Recreational vehicle park
2. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
3. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
4. Coordination required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.

5. The setback, building height, screening, and site design standards required in “Sec. 117-328. - Residential Compatibility Standards” shall apply with the exception of an increased setback requirement of 20 ft. for surface-level parking and driveways. All adjacent property will serve as a “triggering property” without any exemptions.

Department Reviews: No comments of opposition were received from any department or agency.

Public Input:

Mr. Dennis G. Gambill: 2024 Greenway Ln.: Noted that he is in favor of this progress. He will be back to request his own property to be rezoned. He has visited the Planning Department to have his property rezoned also. He is hoping that all of his neighbors feel the same way.

Mr. Josh Brown: Stated that in terms of the other side of Greenway Ln. (East Side), he has the properties being marketed as well for commercial.

Mr. Hamman stated that his client is willing to dedicate right of way to make Greenway Lane a public road. If his client agrees he may have to amend his plan.

Commission Action:

Mr. Scurlock moved to place Case: RZ-13-14 on the floor for recommendation by MAPC to the City Council, with the noted stipulations, and that changing the zoning of this property from R-1 Single Family Medium Density to the proposed C-3 Limited Use Overlay District is compatible and suitable with the zoning, uses, and character of the surrounding area. Motion seconded by **Mr. Reece**.

Vote: Mr. Scurlock- Aye; Mr. Hoelscher-Aye; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Tomlinson- Aye; Mr. Roberts- Chairman.

Measure passed unanimously: 5-0 Vote.

Absent were: Ms. Nix, Ms. Schrantz, & Mr. Dover

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Notes concerning the status of Greenway Lane as a private drive.	Noted no objection
Streets/Sanitation	No objections	Noted no objection
Police	Pending	No comments to date
Fire Department	No objections	Noted no objection
MPO	No objections	Noted no objection
Jets	No objections	Noted no objection
Utility Companies	No objections	Noted no objection

Conclusion:

The MPAC and the Planning Department Staff find that the request to rezone property from “R-1 Single Family Residential to C-3 – General Commercial District” submitted for Case RZ 13-12 should be evaluated based on the above observations and criteria. The following restrictions and conditions apply:

6. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
7. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
8. Coordination required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
9. The setback, building height, screening, and site design standards required in “Sec. 117-328. - Residential Compatibility Standards” shall apply with the exception of an increased setback requirement of 20 ft. for surface-level parking and driveways. All adjacent property will serve as a “triggering property” without any exemptions.
10. Prohibited uses:
 - l. Animal care, general
 - m. Animal care, limited
 - n. Cemetery
 - o. Construction sales and service
 - p. Day care, limited (family home)
 - q. Day care, general
 - r. Funeral home
 - s. Nursing home
 - t. Pawn shop
 - u. Golf course
 - v. Recreational vehicle park

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



Residence located west of site at 5612 East Johnson Ave.



Residence located at southwest corner of site at 5600 East Johnson Ave. Currently zoned C-3 LU-O.



View of site from southwest corner.



View of site from the southeast corner at the East Highland Drive and Greenway Lane intersection.



Residence located on site at 2019 Greenway Lane.



Residence located on site at 2021 Greenway Lane.



Viewing northern portion of site from Greenway Lane.



Residence located east of northeast corner of site at 2024 Greenway Lane.



Residence located east of site at 2010 Greenway Lane.



Residence located east of site at 2006 Greenway Lane.



Residence located east of southeast corner of site at 5710 East Johnson Ave. (Johnson and Greenway intersection)



Property located south of site at the southeast corner of the East Johnson Ave. and Old Bridger Road intersection. Currently zoned C-3 LU-O.