

*City of Jonesboro City Council*  
**Staff Report – RZ 16-08: 1425 E. Johnson Rezoning**  
 Municipal Center - 300 S. Church St.  
*For Consideration by the Council on June 21, 2016*

**REQUEST:** To consider a rezoning of one tract of land containing .73 acres more or less.

**PURPOSE:** A request to consider recommendation to Council by the MAPC a rezoning of .73 acres of land located at 1425 E. Johnson, from C-4 to C-3 L.U.O. - General Commercial District Limited Use Overlay.

**APPLICANTS/  
OWNER:** Ayad F. Talih, 805 E. Nettleton Ave., Jonesboro, AR

**LOCATION:** 1425 E. Johnson Ave, Jonesboro, AR 72404

**SITE  
DESCRIPTION:** **Tract Size:** Approx. 0.73 Acres  
**Street Frontage:** 160.0 feet along E. Johnson Ave./200 feet along N. Rogers St.  
**Topography:** Undeveloped flat.  
**Existing Development:** Undeveloped

**SURROUNDING CONDITIONS:**

ZONE	LAND USE
North	C-3 and C-3 LUO – Both Undeveloped
South	R-3 Multi-Family Housing
East	C-4 Commercial Building
West	C-4 Commercial Building

**HISTORY:** Currently undeveloped. There were previously multifamily housing units on this property.

**ZONING ANALYSIS**

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

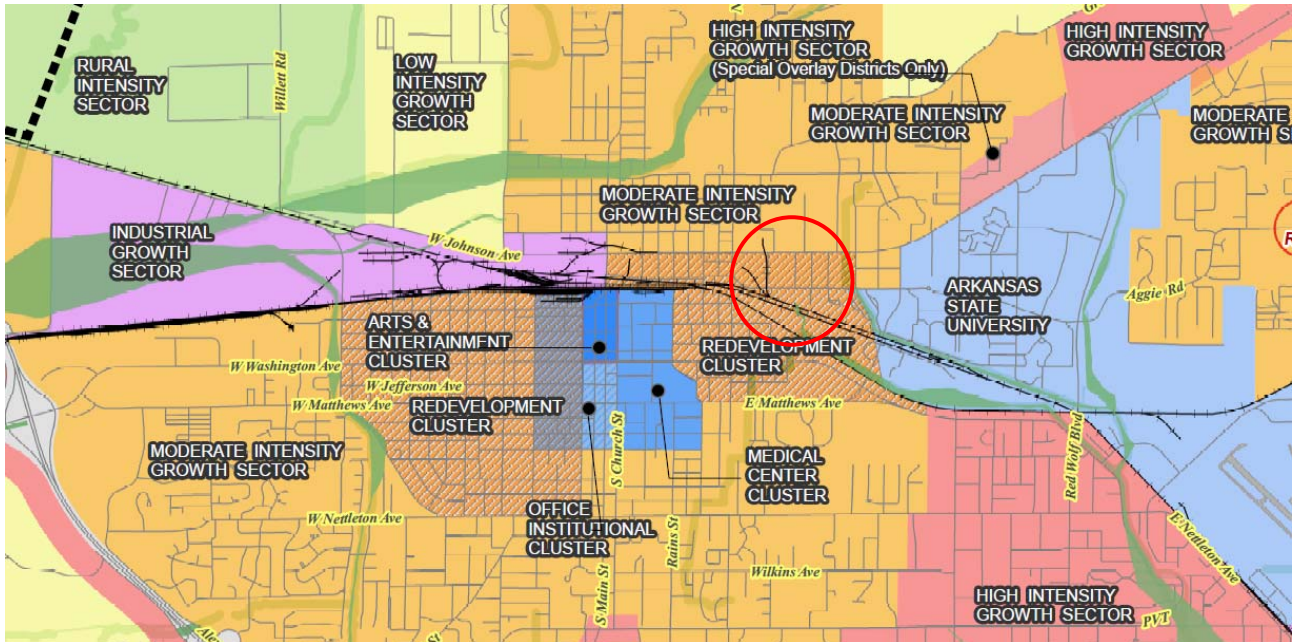
**COMPREHENSIVE PLAN LAND USE MAP**

The Current/Future Land Use Map recommends this location as a Redevelopment Cluster. The proposed rezoning is consistent with the adopted Land Use Plan for the existing and proposed use if proper controls are implemented.

**Redevelopment Cluster Recommended Use Types Include:** Offices, Services, Government Facilities, and Housing

**Master Street Plan/Transportation**

The subject site is served by E. Johnson Ave., which is the Master Street Plan recommended as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment. The recommended right-of-way is 120 ft., the submitted plat illustrates 50.79 ft. – 69.96 ft. Any replat should satisfy the minimum requirements.










**Adopted Land Use Map**



**Aerial/Zoning Map**

**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) <b>Consistency of the proposal with the Comprehensive Plan/Land Use Map.</b>	The proposed C-3 LU-O District rezoning is consistent with the Future Land Use Plan, which was categorized as Redevelopment Cluster.	
(b) <b>Consistency of the proposal with the purpose of Chapter 117-Zoning.</b>	The proposal will achieve consistency with the purpose of Chapter 117, if property storage and screening is implemented.	
(c) <b>Compatibility of the proposal with the zoning, uses and character of the surrounding area.</b>	Compatibility is achieved.	
(d) <b>Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.</b>	Property is not suitable for single family residential along Johnson Avenue. Commercial is the highest and best use.	
(e) <b>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.</b>	This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses.	
(f) <b>Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant.</b>	The property had apartment units previously on it. It has been vacant for a while now.	
(g) <b>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.</b>	Minimal impact if rezoned due to the fact that business currently exist with only minor upgrades.	

**Staff Findings:**

**Applicant’s Purpose:**

The applicants have recently purchased the property wishing to develop the land within C-3 guidelines with the use of a LUO. Property is on Johnson where several other C-3 LUO, C-4, and R-3 lots are located. Staff recommends approval of this case based upon any redevelopment of the subject properties being subject to MAPC review and approval of a final site plan.

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

*C-3 L.U.O, general commercial district limited use overlay.* 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 grouping of facilities shall be encouraged, as opposed to less desirable strip commercial.

In reviewing the basis for this case, Staff consulted with the applicant to explain that General Commercial Districts typically limited outdoor storage and industrial activities and may require certain screening/buffering to assure compatibility with areas abutting residential property.

**An alleyway that lies west of the subject property was abandoned as follows:**

ORD-76:2216 Alley abandonment was passed and adopted on April 19<sup>th</sup>, 1976. A petition was filed with the city council and vacated and abandoned as described as 15 feet running North and South, between Lots, 7 thru 25 and Lots 26 thru 44 in Block 1 of the M.R. Carson Addition to the City of Jonesboro, Arkansas.

**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. General 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:

Uses	C-3	Uses	C-3
Manufactured housing unit		Utility, major	C
Airport or airstrip		Utility, minor	P
Animal care, general	P	Vehicle and equipment sales	P
Auditorium or stadium	C	Vehicle repair, general	P
Automated teller machine	P	Vehicle repair, limited	P
Bank or financial institution	P	Vocational school	P
Carwash	P	Warehouse, residential (mini) storage	C
Cemetery	P	Vehicular and equipment storage yard	
Church	P	Asphalt or concrete plant	
College or university	P	Auto wrecking or salvage yard	
Communication tower	C	Basic industry	
Construction sales and service		Freight terminal	C
Convenience store	P	Landfill (private)	
Day care, limited (family home)	P	Manufacturing, general	
Day care, general	P	Manufacturing, limited	
Entertainment, adult	C	Mining or quarrying	
Government service	P	Oil and gas drilling	
Indoor firing range		Research services	C
Library	P	Solid waste incinerator	
Medical service/office	P	Warehousing	
Museum	P	Welding or machine shop	
Office, general	P	Agriculture, animal	C
Parking lot, commercial	P	Agriculture, crop	
Parks and recreation	P	Agriculture, farmers market	P
Pawn shops	P	Agriculture, product sales	
Post office	P	Sign, off-premises*	P
Recreation/entertainment, indoor	P	Retail/service	P
Recreation/entertainment, outdoor	P	Safety services	P
Recreational vehicle park	P	School, elementary, middle and high	P
Restaurant, fast-food	P	Service station	P
Restaurant, general	P	Sign, off-premises*	P

## **MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 14, 2016**

**Applicant:** Mr. Travis Fischer, Trayan Engineering appeared before the Commission requesting the property to be rezoned to C-3 LUO.

### **Staff:**

Mr. Spriggs gave staff summary comments. The 0.73 acres of property previously had apartments owned by JURHA, that were demolished. The Land Use Plan recommendation is consistent as a Redevelopment Cluster. A Right-of-Way of 69.96 ft. is provided. The requirements for the Master Street Plan must be adhered to. The abandonment of an alley to the west occurred in the past under ORD-76:2216, passed and adopted on April 19<sup>th</sup>, 1976. A petition was filed with the city council and vacated and abandoned as described as 15 feet running North and South, between Lots, 7 thru 25 and Lots 26 thru 44 in Block 1 of the M.R. Carson Addition to the City of Jonesboro, Arkansas. No

issues were reported by the various departments during the pre-meeting. The applicants will have to comply with the C-3 General Commercial standards. There is an exclusion list of uses in the conditions.

The Conditions were read:

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. The following C-3 Uses shall be prohibited on this site: Adult Entertainment & Alcohol/Tobacco Retail Sales Establishments.
5. 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.

**Public Input:** None.

**Commission:**

Mr. Hoelscher asked if convenience store would be allowed. Mr. Spriggs concurred that anything allowed under the C-3 except for the noted prohibited uses.

Mr. Cooper made a motion to approve Case: RZ 16-08 on the floor for recommendation by MAPC to the City Council with the noted 5 stipulations, and we, the MAPC find that changing the zoning of this property from “C-4” Commercial District to the proposed C-3, L.U.O., will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future.

The motion PASSED with the following (8-0) vote.

**Voting Aye: 8** - Mr. Ron Kelton; Mr. Hoelscher; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Jimmy Cooper; Mr. Reece; Mr. Perkins and Rick Stripling. Lonnie Roberts was Chair.

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**Conclusion:**

The MAPC & Planning Department Staff find that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-08, a request to rezone property from C-4 General Commercial District to C-3 L.U.O. - General Commercial District, Limited Use Overlay.

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Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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View looking North



View looking south at Site





View looking East



View looking West