



City of Jonesboro City Council
Staff Report – RZ07-48: C &O Enterprises
Huntington Building - 900 W. Monroe
For Consideration by the Council on Tuesday, January 15, 2008

REQUEST: To consider rezoning a parcel of property containing approximately (2) acres more or less.

PURPOSE: A request for rezoning from R-1 Single Family Residential to C-4 L.U. Overlay General Commercial, and make recommendation to the City Council

APPLICANT/OWNER: C.O. Enterprises, LLC., Gary Childers & David Onstead, 2400 E. Highland Dr., Jonesboro, AR

LOCATION: Southside of Johnson Ave. (Hwy. 49 N), between Oriole Dr. & Old Bridger Rd.

SITE DESCRIPTION: Tract Size: Approx. 87,232 ft. (2 acres)
Frontage: Approx. 276.52' on Johnson Ave. (Hwy. 49)
Topography: Gently slopes in an eastern direction.
Existing Dvlpmt: Vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Undeveloped Residential
South:	R-1	Residential
East:	R-, I-1	Vacant Residential
West:	R-1	Residential

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Medium Density Residential. This designation includes all future residential uses that are more than three and maximum of ten units per net acre (R-2 Residential). This designation is outdated and is currently being evaluated by the Land Use committee. This site is just east of a proposed commercial node designation, and the subject site most likely remain as-is on Hwy. 49.

Pertinent Zoning Ordinance sections include Section 14.44.05(b), 'change in District Boundary', beginning on page 104.

Approval Criteria- Section 14.44.05, (5a-g) - 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.

METROPOLITAN AREA PLANNING COMMISSION:

The MAPC met on January 8, to consider this case and offers the following recommendation of approval and record of proceedings:

RZ 08-48 C & O Enterprises, LLC, Gary Childers and David Onstead requests rezoning of 2.0 acres located on the south side of highway 49, between Oriole Drive and Old Bridger road from R-1 Single-family to C-4 LUO. .

George Hamman came forward as proponent for this item.

Stated that his clients had no problem with C-4 LUO rezoning as recommended with the screening and buffering.

There was no opponent to this item.

City Planner stated that the area is now under study of the Land Use Advisory Committee, and the 1996 plan is out-dated for this site, but is recommended a medium density for this area and staff has some concerns with this area being surrounded with single family homes. Therefore it is recommended as “C-4” LUO zoning with a list of recommended uses. This is to limit the effect on the surrounding homes with a more limited list of uses so the residential character will be maintained. The list permitted and prohibited uses is provided in the staff report. This property is across the street from where the Land Use Committee projected as a commercial node in the upcoming 2008 recommended Land Use Map.

Mr. Tomlinson commented that this is spot zoning.

A motion was made by Commissioner Halsey to recommend approval to the City Council with the C-4 LUO and stipulations presented by staff, second by Commissioner Harpole.

The motion carried by the following vote:

Aye: 5 – Margaret Norris; Lonnie Roberts; Jerry Halsey; Gary Harpole; Ken Collins.

Nays 2 – Joe Tomlinson; Marvin Day

Absent George Krennerich; No vote – Ken Beadles

Findings:

The applicant has proposed to use the property for a low traffic retail and business use. With Highway 49 serving as a highly travel major arterial, staff is reluctant to support piece meal rezoning absent a more planned development. Access management should be a high priority in the approval and development of this property request. The proposed site is surrounded by residential uses and should be developed at a residential scale low intense office or professional service oriented uses. The applicant originally requested a C-3 LUO and listed a number of uses that could be marketed for this parcel as well as a list of prohibited uses. Staff supports the permitted list, however because of the proximity to a number of residential homes the off-premise signage is not reasonable and the request was suggested to be modified as "C-4". Otherwise particular buffering and protection from light spillage should be stipulated if this request is approved.

***C-4, Neighborhood Commercial District.** This district provides for limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations, or other carefully selected areas. Buildings are to be of residential character regarding outward appearance.*

Conclusion:

The MAPC and the Planning Department staff finds that the requested zone change submitted by C&O Enterprises should be evaluated based on the above observations and criteria in making recommendation to the City Council. The request to rezone property from R-1 to C-4 L.U. would follow good land use design principles if all of the above concerns are addressed.

The following conditions of approval are suggested:

1. Adequate buffering/screening (minimum 20ft.) should be provided for all surrounding residential uses.
2. Single access drive shall be provided on the property complying with Code regulations.
3. The following list of Permitted/Prohibited Uses shall be complied with:

Permitted Uses:

Automated Teller Machine
Bank or Financial Institution
Church
College or University
Construction Sales and Service
Funeral Home
Government Service
Library
Medical Service/Office
Museum
Nursing Home
Office, General
Parking Lot, Commercial
Post Office
Retail/Service

Permitted Uses, Continued:

Safety Services
School/Elementary/Middle/High
Utility, Major
Utility, Minor
Vocational School
Research Services
Veterinarian Office
Agriculture, Farmers Market

Prohibited Uses:

Animal Care, General
Animal Care, Limited
Auditorium or Stadium
Bed and Breakfast
Car Wash

Prohibited Uses, Continued:

Cemetery
Communication Tower
Convenience Store
Day Care, limited (family home)
Day Care, General
Entertainment, Adult
Golf Course
Hospital
Hotel or Motel
Parks and Recreation
Pawn Shop
Recreation/Entertainment, Indoor

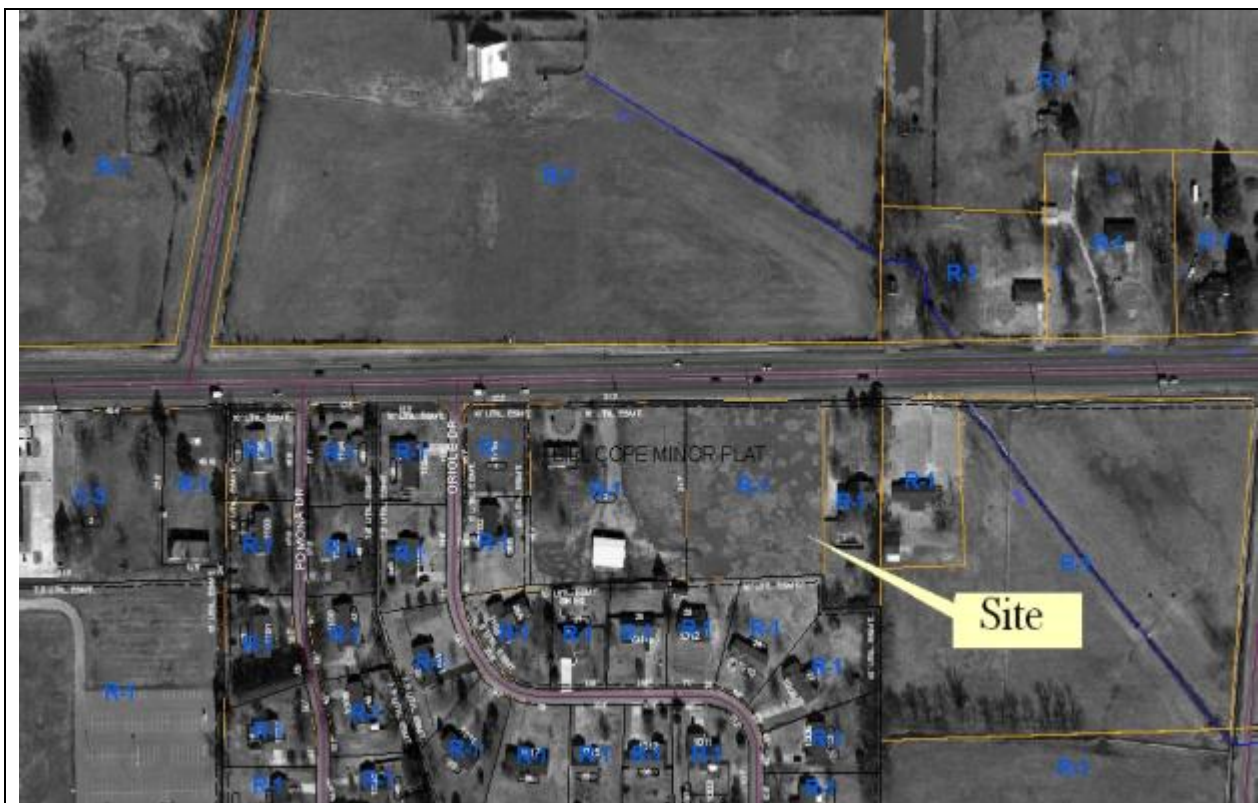
Prohibited Uses, Continued:

Recreation/Entertainment, Outdoor
Recreational Vehicle Park
Restaurant, fast-food
Restaurant, general
Service Station
Sign, Off-premise
Vehicle and Equipment Sales
Vehicle Repair, General
Vehicle Repair, Limited
Warehouse, residential (mini-storage)
Freight Terminal
Agriculture, Animal

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



AERIAL & ZONING MAP



View of the site looking west



View looking Easterly



View of the site looking toward the north



View looking south at existing at abutting existing Single Family Subdivision