



City of Jonesboro Metropolitan Area Planning Commission
Staff Report – RZ 10-16: Ebbert/Talley Rezoning-Parkwood/Sun
Huntington Building - 900 W. Monroe
For Consideration by the Commission on October 12, 2010

REQUEST: To re-consider a rezoning of a parcel of property containing approximately 3.37 acres more or less approved by Council under Ord. 3134.

PURPOSE: A request to recommend approval by the Metropolitan Area Planning Commission to modify an existing C-3 LU.O. Commercial district and allow for “Restaurant-Fast Food”.

APPLICANT: Skip Mooney, Attorney/Agent,

OWNER: Mike Ebbert, Glen Talley, Jonesboro, AR

LOCATION: 2206, 2212, 2200 Stadium Blvd.; 3304, 3008, & 3010 Parkwood Rd., 3009 Sun Ave., 3011 Sun Ave.

SITE DESCRIPTION: Tract Size: Approx. 3.37 +/- acres,
 Frontage: Approx. 380 ft. on Sun Ave., 425 ft. on Stadium; 303 ft. on Parkwood Rd.
 Topography: Predominantly Flat
 Existing Dvlpmt: Residential

| SURROUNDING CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
|--------------------------------|------------------|-----------------|
| North: | R-3 Multi-Family | Residential |
| South: | R-3 Multi-Family | Residential |
| East: | R-3 Multi-Family | Residential |
| West: | C-3 | Fairgrounds |

HISTORY: Case approved on November 6, 2007 under Ordinance No. 3143 by City Council

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

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.

Findings:

With the new mall development, this area abuts a changing commercial corridor which includes other new retail development just north of the subject property. The previously approved request for rezoning allows for a more planned opportunity as opposed to the typical piece-meal developments brought before the commission and council in the past. With proper buffering a quality commercial development can be incorporated into this planning area.

This area will prove conducive for commercial uses along Stadium Drive north and south of the mall given the traffic volume. The primary request in this Case centers around determining or interpreting the definition of fast food restaurant in the specific propose for a “Panera Bread” restaurant. Having dined at the restaurant in a different City, Staff is requesting MAPC’s final interpretation of the proposal as “General Restaurant” and asking that the case be dispensed, and that the request for Site Plan approval be considered by MAPC. (Definitions follow)

Restaurant, fast-food, means an establishment where the principal business is the sale of food and nonalcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customers table, where food is generally served in disposable wrapping or containers and where food and beverages may be served directly to the customer in an automobile.

Restaurant, general, means an establishment, other than fast-food restaurant, where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following:

- (1) A sitdown restaurant where customers, normally provided with an individual menu, are generally served food and beverages in nondisposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or
- (2) A cafeteria or cafeteria-type operation where food and beverages generally are served in nondisposable containers and consumed within the restaurant.

Conclusion:

Staff is recommending that the MAPC approve the minor change in the C-3 L.U.O. to allow for the proposed *Panera Bread* restaurant and recommend final approval to City Council.

Respectfully Submitted for Commission Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking North Along Stadium Dr.



View looking east along Parkwood Rd.



View looking Easterly at Proposed Site from Stadium Dr.



View looking southeast toward subject property



View of the site looking to the west along Sun Avenue



View Looking South toward subject property