

*City of Jonesboro City Council*  
**Staff Report – RZ09-17: David Abernathy**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on September 17, 2009*

**REQUEST:** A recommendation from the MAPC to rezone property containing 0.69 acres more or less.

**PURPOSE:** To rezone a tract of land from R-1 to C-3 General Commercial.

**APPLICANT/  
OWNER:** David Abernathy, P.O. Box 1368, Jonesboro, AR 72401

**LOCATION:** 1212 Paragould Dr./ East Side of Road Between Paragould Dr. and Hemingway Circle.

**SITE  
DESCRIPTION:** Tract Size: 0.69 Acres (29,972 sq. ft.)  
Frontage: Paragould Dr.: 144 +/- ft.  
Topography: Gently sloping.  
Existing Dvlpmt: Vacant with Drainage and sewer easements

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
	North: C-3	Peterson’s Warehousing
	South: R-1	Single Family
	East: R-1	Single Family
	West: R-1	Single Family

**HISTORY:** None.

**ZONING ANALYSIS:** City Planning Staff has reviewed the proposed development and offers the following findings.

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as Village Residential. This area is currently being restudied by the Land Use Advisory Committee. The general area has been proposed as Single Family Residential.

**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.



Aerial Map/ Vicinity Map

**MAPC Record of Proceedings Case RZ-9-17: David Abernathy- 1212 Paragould Dr.**

Mr. Terry Bare presented the case on behalf of Mr. Abernathy who submitted the application. After reading the staff report we are now asking for C-3 Limited Use Overlay, providing that several uses not be allowed including the following;

- |                           |                                   |
|---------------------------|-----------------------------------|
| Carwash                   | Convenience Store                 |
| Adult Entertainment       | Hotel/Motel                       |
| Pawn Shop                 | Gas Station                       |
| Off-premise Advertisement | Vehicle Repair, General & Limited |

Mr. Bare stated that Mr. Abernathy owns the property to the north which is warehousing is zoned C-3 General Commercial Use (Peterson Warehouse). He wanted to match that zoning.

Opponents: None Present.

Mr. Spriggs gave a brief presentation. There are two construction companies in the area as a non-conforming use. We have stated in the staff report concerns of the C-3 allowing uses that may be incompatible. The applicant has heard those concerns and does agree with the Limited Use Overlay.

Staff listed four conditions:

1. That the facility (use specified) shall be managed and operated during hours limited to 8:00 a.m. to 7:00 p.m. The facility shall be locked from public use beyond said hours.
2. That the final site plan shall be reviewed and approved by the MAPC prior to permit issuance.  
Such submittal shall include architectural and engineering drawings.
3. That a final landscaping plan shall be submitted for approval by the MAPC to soften the appearance from the residential abutting as well as illustrating all fencing and screening.
4. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.

Mr. Bare made an observation that if this property develops to the north of Hwy. 49, and this site were to become an office complex or a 24-hour clinic, that may be an issue. Mr. Day stated that if that change were to occur then that specific use can be considered later by the MAPC. We would hate to leave it open for a 24-hour retail.

Mr. Bare stated that the ditch is on the south side of this property makes it unsuited for single family use, they wanted to be able to utilize this portion of the property.

Motion was made by Mr. Tomlinson to approve the case, and that we recommend to City Council that it be zoned to C-3 L.U.O. with the uses not permitted being stated with the four staff conditions above proposed by the planner. Motion 2<sup>nd</sup> by Mr. Halsey. All ayes.

### **Staff Findings:**

The subject site is located on Paragould Dr. just directly south of Shagbark Ln. and north of Ocean Dr. The area is predominately residential including two (2) non-conforming business uses- McDaniel Construction Co. and Kirksey's Builders. The applicant originally requested a C-3 Rezoning for the said property; this would have allowed any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

Staff presented major concerns of a rezoning to such an intense district, abutting residential without any constraints and the applicant reconsidered and agreed with a limited use overlay modification. This would better afford the Commission and Council an opportunity to consider any negative impacts on the surrounding residential community. Traffic, noise, hours of operation and intense of use should be a concern of the Commission and Council. Otherwise any of the permitted uses allowed within the C-3 General Commercial Zoning District could be developed as of right, if approved.

**Conclusion**

The MPAC and the Planning Staff has reviewed the request and feels that all issues regarding impacts on abutting residential uses should be considered by the City Council for a change from R-1 Single Family to C-3 General Commercial L.U.O. with the following stipulations:

1. That the facility (use specified) shall be managed and operated during hours limited to 8:00 a.m. to 7:00 p.m. The facility shall be locked from public use beyond said hours.
2. That the final site plan shall be reviewed and approved by the MAPC prior to permit issuance. Such submittal shall include architectural and engineering drawings.
3. That a final landscaping plan shall be submitted for approval by the MAPC to soften the appearance from the residential abutting as well as illustrating all fencing and screening.
4. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
5. The following uses shall be prohibited:

Carwash	Convenience Store
Adult Entertainment	Hotel/Motel
Pawn Shop	Gas Station
Off-premise Advertisement	Vehicle Repair, General & Limited

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



View looking east at the site.



View looking east along ditch (south property line).



View Looking southwest from the site.



View looking north from site.



View looking south along Old Paragould Rd. towards site.



View of building abutting site (to the north).



View looking west from the rear of the site.



View looking Southeast towards site.