



City of Jonesboro City Council
Staff Report – RZ 10-11 Charles J. Harris 1702 Greensboro Rd.
Huntington Building - 900 W. Monroe
For Consideration by Council on June 15, 2010

REQUEST: A recommendation by MAPC to rezone property containing 1.42 acres more or less.

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

**APPLICANT/
OWNER:** Larry/Barbara Carol McHalfey 468 CR 320 Jonesboro, AR 72401
Charles J. Harris, 1702 Greensboro Rd., Jonesboro, AR 72401

LOCATION: 1702 Greensboro Rd.

**SITE
DESCRIPTION:** Tract Size: 1.42 Acres (61,743.63 sq. ft.)
Frontage: 155.38 of frontage along Old Greensboro Rd. (Hwy 141)
Topography: Gently sloping
Existing Dvlpmt: Residential Structure

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North:	Industrial
	South:	Commercial
	East:	Residential
	West:	Commercial, Residential

HISTORY: Similar request in 2008 by Paula Lamb, rezoned 0.92 acres to C-3, L.U.O.

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

COMPREHENSIVE PLAN/ FUTURE LANDUSE MAP

The Jonesboro Future Land Use Map shows the area recommended as Commercial Node. Consistency with the long range land use plan is achieved.

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.

Master Street Plan Review:

The proposed site is located along Highway 351N/Old Greensboro Rd. which is a proposed Minor Arterial on the most current Jonesboro Master Street Plan. In this instance, the goal of the Master Street Plan is to preserve necessary right of way for future road improvements with a minimum of 120 ft. minimum right of way is recommended. The rezoning plat illustrates an 80 ft. right of way (40ft. from center) is provided.

Approval Criteria- Section 117034: Amendment (formerly Sect. 14.44.05, (5a-g):

Approval criteria. The criteria for approval of a rezoning are set out in this subsection. 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:

1. Consistency of the proposal with the comprehensive plan;
2. Consistency of the proposal with the purpose of this chapter;
3. Compatibility of the proposal with the zoning, uses and character of the surrounding area;
4. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
5. 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;
6. Length of time the subject property has remained vacant as zone, as well as its zoning at the time of purchase by the applicant; and
7. 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.



MAPC RECORD OF PROCEEDINGS: Public Hearing Held on June 8, 2010

Applicants: Charles Harris and Mr. McHalfey presented the request to MAPC; stated that they don't have a particular use planned, but are rezoning the land to commercial. Mr. Joe Tomlinson asked what the Master Street Plan recommended for the right of way. He had concerns for preserve the necessary width. Mr. Spriggs stated that Hwy. 351 is a Minor Arterial with 120 ft. recommended. Currently 80 ft. of right of way is provided and no future road widening projects have been planned.

Opposition: None.

Staff: Mr. Spriggs presented the staff report and recommendations as noted and stated that his case covers land that I adjacent to the Lamb property that was rezoned in 2008. At that time this land owner had no interest in rezoning. Staff supports the rezoning and it is consistent with the Future Land Use Plan.

MAPC: Mr. Tomlinson asked that we exclude billboards as well as adult entertainment uses. Mr. White made a motion to recommend approval to Council, subject to planning staff stipulations, excluding adult entertainment. Motion was seconded by Mr. Kelton. Case approved: 7-0 vote.

Findings:

This area is under transition with the new regional hospital project soon to be underway, as well as a number of properties currently being marketed in this surrounding area. The applicant has requested a C-3 L.U.O. Rezoning for the said property; this would allow any use listed within the permissible use table of general commercial such as: bank, carwash, convenience store, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, general and limited vehicle repair. Also this district would allow for adult entertainment and off premise advertisement as a conditional uses, in which the Commission and Council may want to place restrictions on.

A lighting plan and landscaping plan including adequate buffering should be required to demonstrate compliance with the zoning ordinance during the permit process. This will allow for controls and assurance that will protect the abutting residential properties. Site access should be implemented with care. Please note that any restrictive conditions would necessitate a Limited Use Overlay.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Charles Joe Harris should be approved based on the observations above. In the Case of RZ-10-11, a request to rezone property from R-1 to C-3 Commercial L.U.O. General Commercial is recommended to the Jonesboro City Council as a C-3 Limited Use Overlay for approval, with a condition prohibiting billboard advertisement and adult entertainment, and that cross access easements be provided.

-That the following permitted limited uses shall only be allowed:

- Automated Teller Machine
- Bank or Financial Institution
- Convenience store provided it blends in with the appearance of other buildings developed on the parcel
- Government Service
- Hotel or Motel
- Library
- Medical Service/Office
- Museum
- Office, General
- Parks and Recreation
- Post Office
- Recreation/Entertainment, Indoor or Outdoor
- Restaurant, Fast Food
- Restaurant, General
- Retail/Service
- Service Station provided it blends in with the appearance of other buildings within the proposed development
- Utility, Major or Minor
- Vehicle Repair, limited and general but only as a part of or associated with another user within the development

-No billboards or Adult Entertainment Uses shall be permitted.

-Cross access easements shall be required between future uses.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking to the north from the abutting property.



View looking to the south from area north of the site.



View looking east at the subject property.



View looking east of the subject site's ingress/egress easement.



View looking northeast along Old Greensboro Rd.



View looking to the northwest along Old Greensboro Rd.



View looking to the east from Old Greensboro Rd.



View looking at the abutting industrial properties.



View looking to the east along Old Greensboro Rd of C-3 L.U.O. property.



View looking west from intersection.



View looking northeast of the subject site's ingress/egress easement.



View looking West from site towards Greensboro Rd. 351



View looking South on Old Greensboro Rd.