



City of Jonesboro Metropolitan Area Planning Commission
Staff Report – RZ09-17: David Abernathy
Huntington Building - 900 W. Monroe
For Consideration by the Commission on September 8, 2009

REQUEST: A recommendation by 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

SURROUNDING CONDITIONS:	<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The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as Village Residential.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

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 has requested a C-3 Rezoning for the said property; this would allow 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 has major reservations concerning a rezoning to such an intense district, abutting residential without any constraints. A limited use overlay modification 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.

Staff has two suggestions: Modify the request to a limited-use-overlay and demonstrate a use and development that will address all negative impacts/concerns listed above; or, modify the request to a C-4 L.U.O. and demonstrate to the Commission and Council how the use will better fit into an overall residential neighborhood without causing adverse effects.

Conclusion

The Planning Staff has reviewed the request and feels that all issues regarding impacts on abutting residential uses should be considered by the MAPC prior to an approval recommendation to City Council for a change from R-1 Single Family to C-3 General Commercial; otherwise a denial is recommended. If any agreements for approval are further made, the following stipulations should be considered:

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.

Respectfully Submitted for Commission 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.