

City of Jonesboro City Council
Staff Report – RZ 16-04: 903 Lawson and Hwy 1 Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on April 19, 2016

REQUEST: To consider a rezoning of one tract of land containing 1.32 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from R-1 single-family residential district to a C- 3 General Commercial District.

**APPLICANTS/
OWNER:** Wesley Thornton, 3409 Ridgeway Circle. Jonesboro, AR 72404.

LOCATION: At the intersection of Highway 1 and Lawson Rd. Jonesboro, AR 72404.

**SITE
DESCRIPTION:** **Tract Size:** Approx. 1.32 Acres
Street Frontage: 645' Total along Stadium Blvd. & CR 428
Topography: Predominately Flat
Existing Development: Vacant lot.

SURROUNDING CONDITIONS:

ZONE	LAND USE
North-R-1	Vacant County Hwy Frontage Property
South-N/A	County Commercial – Shops, Church
East-N/A	Railroad Tracks, Wooded Area
West-N/A	Empty Lot, R/R Farm Equipment

HISTORY: None

ZONING ANALYSIS:

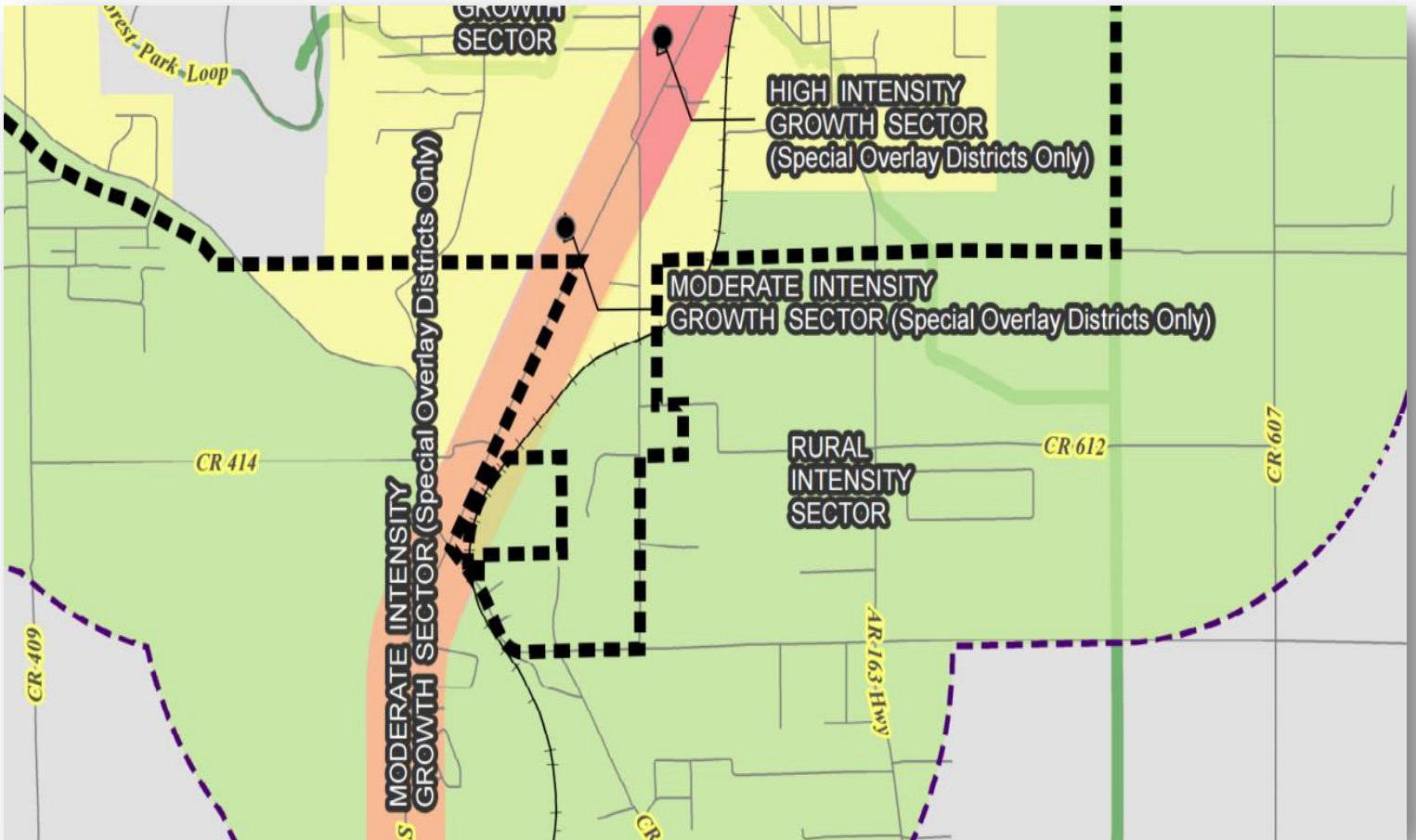
City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP:

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overall District Only). Unless a Limited Use Overlay District is requested and agreed on by the applicant(s), no conditions by the Commission or Council can be placed on a successful rezoning. With a suggested Limited Use Overlay, the MAPC will be afforded an opportunity to gain more detailed information that will give assurance of a well-designed infill development that will enhance the area.

Moderate Intensity Recommended Use Types Include:

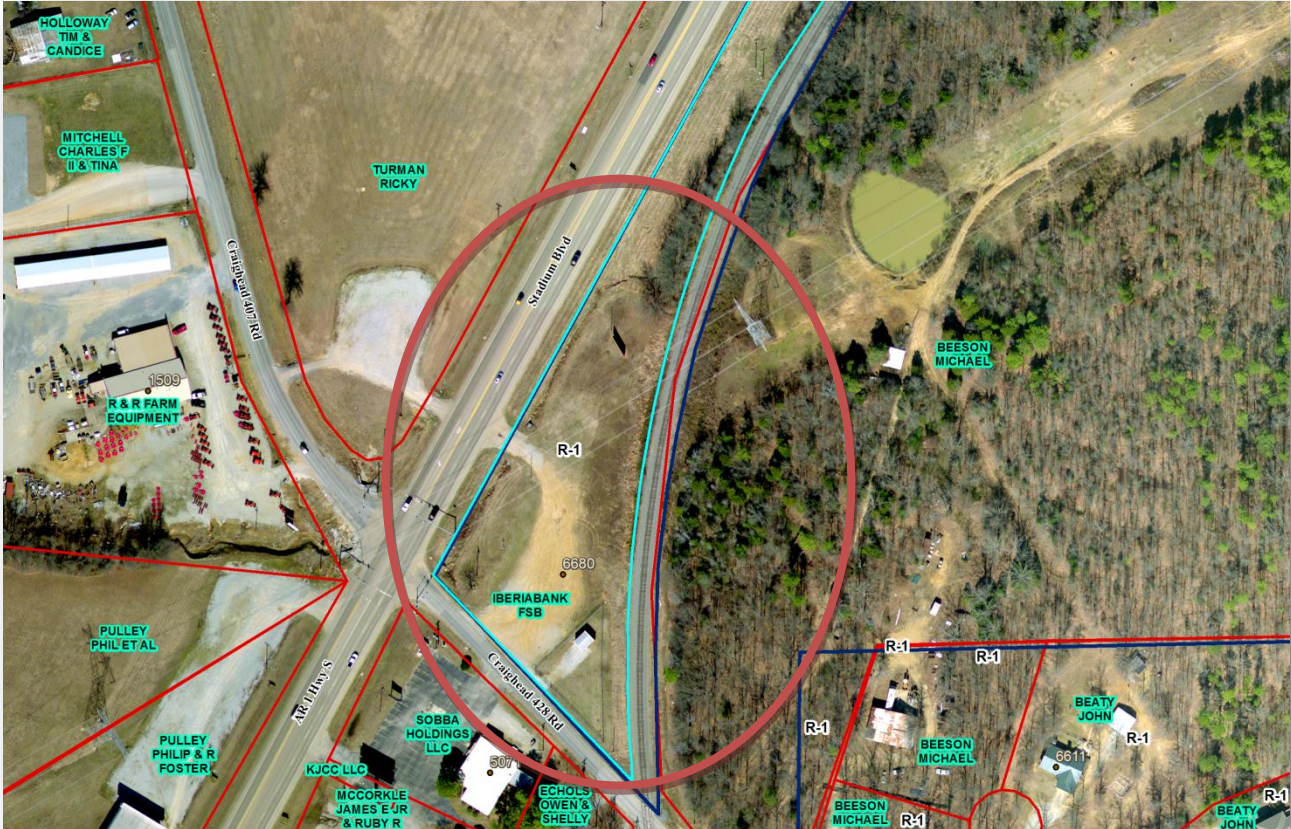
- *Neighborhood Retail*
- *Neighborhood Services*
- *Office parks*
- *Smaller medical offices*
- *Libraries, schools, other public facilities*
- *Senior living centers/nursing homes*
- *Community-serving retail*
- *Small supermarkets*
- *Convenience store*
- *Bank*
- *Barber/beauty shop*
- *Farmer's Market*
- *Pocket Park*



Land Use Map

Master Street Plan/Transportation



The subject property is served by Highway 1 and County Road 428. Highway 1 on the Master Street plan is classified as a proposed Principal Arterial, requiring a 120 ft. right-of-way. The property also fronts on County Road 428 on the south, which is a proposed Principal Arterial having a required right of way of 120 ft. of right of way. The applicant will be required to adhere to the Master Street Plan recommendations.



Aerial/Zoning Map

Approval Criteria- Chapter 117 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a Moderate Intensity Growth Sector (Special Overall District Only) – pending the applicants request and approval for a special overall for this district or limited use overlay district.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all C-3 District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering there are already businesses located in this area. Not suitable for Residential uses.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Conventional zoning restraints will prevent this subject property from being developed. Without the proposed zoning map amendment, this property will likely not develop as residential.	
(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;	No detrimental or adverse impacts are predicted, if proper assess management controls are implemented.	
(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	The property has been vacant for several years now.	
(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	Minimal impact if rezoned due to the fact that businesses and residential currently exist in this area.	

Staff Findings:

Applicant's Purpose

The proposed area is currently classified as an R-1 Single-family residential zone. Located at the intersection of Highway 1 and Lawson Road, this area already has several businesses and shops. This location would make a great place for another business. The applicant wants this area rezoned so that a landscaping business can operate from this location.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*. Rezoning makes sense considering there are already multiple commercial businesses located in the area. Under the current zoning classification, it would be illegal for the applicant to operate a landscaping business from this location. As far as we know, this property has always been vacant. Rezoning this property would positively impact the community, especially in terms of curb appeal. Development for this new business would begin as soon as the property has been rezoned.

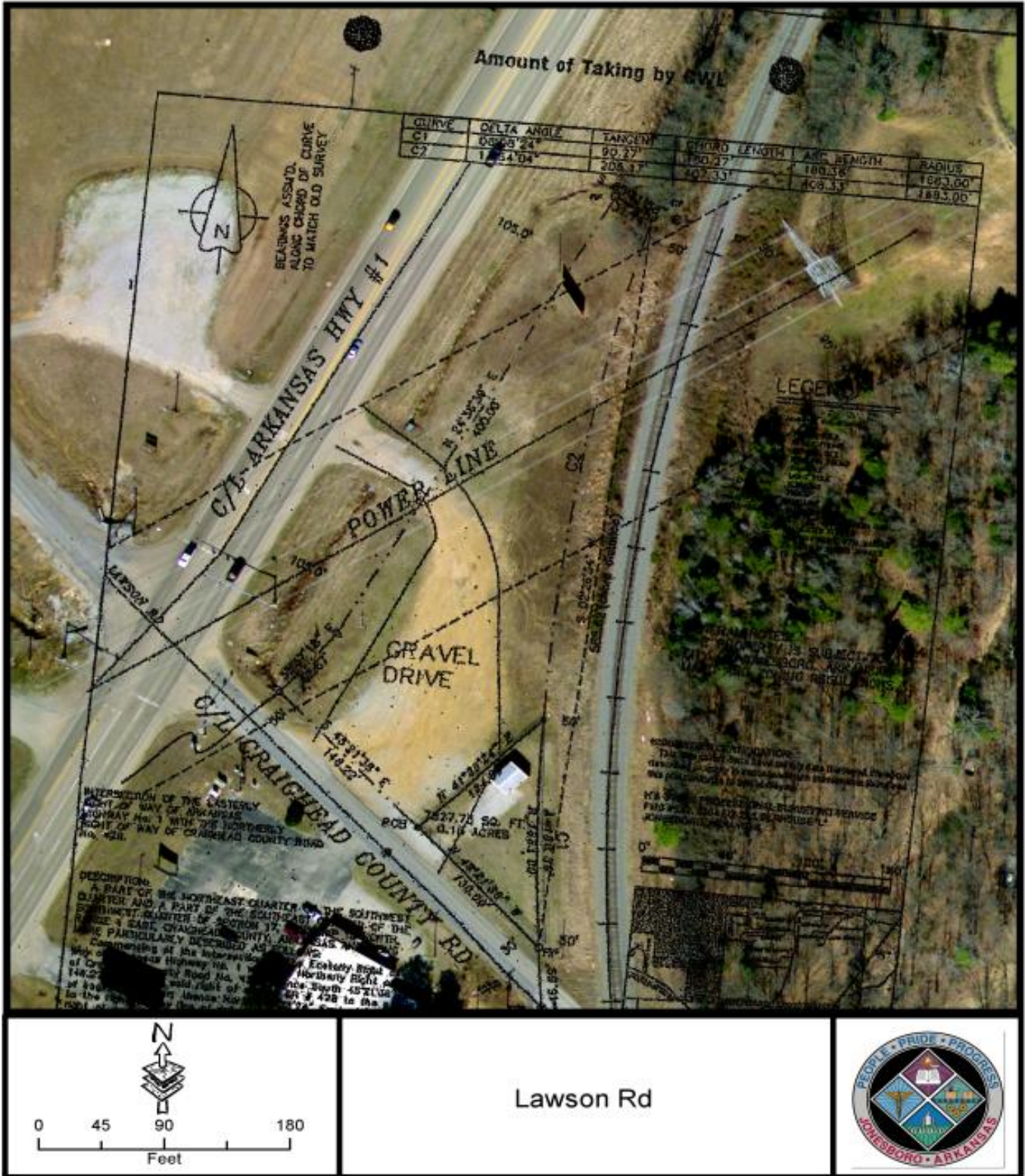
Chapter 117 of the City Code of Ordinances/Zoning defines C-1/Downtown Core District as follows:

Definition of C-3 General Commercial Districts - The purpose of a C-3 district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial streets. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No issues were reported	
Streets/Sanitation	No issues were reported	
Police	Reported no issues.	
Fire Department	Reported no issues.	
MPO	Reported no issues.	
Jets	Reported no issues.	
Utility Companies	Reported no issues.	



Property Survey Sketch Showing Easements

Zoning Code Allowable Uses:

The City of Jonesboro Zoning Resolution includes a list of permitted uses within C-3 Districts as follows (Note the highlighted uses in yellow are suggested to be prohibited due to adverse impacts on the area.) However, most uses will be prohibited by default, due to the irregularity of site shape and size. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank within the Zoning Ordinance Chapter 117:

List of Commercial Uses	C-3 General Commercial	List of Commercial Uses	C-3 General Commercial
<i>Civic and commercial uses</i>		<i>Civic and commercial uses</i>	
Animal care, general	Permitted	Nursing home	Permitted
Animal care, limited	Permitted	Office, general	Permitted
Auditorium or stadium	Conditional	Parking lot, commercial	Permitted
Automated teller machine	Permitted	Parks and recreation	Permitted
Bank or financial institution	Permitted	Pawn shops	Permitted
Bed and breakfast	Permitted	Post office	Permitted
Carwash	Permitted	Recreation/entertainment, indoor	Permitted
Cemetery	Permitted	Recreation/entertainment, outdoor	Permitted
Church	Permitted	Recreational vehicle park	Permitted
College or university	Permitted	Restaurant, fast-food	Permitted
Communication tower	Conditional	Restaurant, general	Permitted
Warehouse, residential (mini) storage	Conditional	Retail/service	Permitted
Convenience store	Permitted	Safety services	Permitted
Day care, limited (family home)	Permitted	School, elementary, middle and high	Permitted
Day care, general	Permitted	Service station	Permitted
Entertainment, adult	Conditional	Sign, off-premises*	Permitted
Funeral home	Permitted	Utility, major	Conditional
Golf course	Permitted	Utility, minor	Permitted
Government service	Permitted	Vehicle and equipment sales	Permitted
Hospital	Permitted	Vehicle repair, general	Permitted
Hotel or motel	Permitted	Vehicle repair, limited	Permitted
Library	Permitted	Vocational school	Permitted
Medical service/office	Permitted		
Museum	Permitted	<i>Industrial, manufacturing and extractive uses</i>	
<i>Agricultural uses</i>		Freight terminal	Conditional
Agriculture, animal	Conditional	Research services	Conditional
Agriculture, farmers market	Permitted		

MAPC RECORD OF PROCEEDINGS: Public Hearing Held on April 12, 2016

Applicant:

Mr. Wes Thornton, Applicant- appeared before the MAPC asking to have this property rezoned from R-1 to C-3 Commercial Use for U.S. Lawns Landscaping Company.

Staff:

Mr. Spriggs gave Staff Summary comments noting the location and surrounding conditions. This is the location of the “Welcome to Jonesboro Sign”. The criteria for rezoning were read and analyzed and Mr. Spriggs noted consistency is achieved with the adopted Land Use Plan which recommends *Moderate Intensity Growth Sector* with the suggested Limited Use Overlay. The right-of-ways on the Master Street Plan are Principle Arterials which would have to be satisfied. Staff finds that the property is not suitable for residential use; because the limitations of the site, due to easements would deem this property a good use for the site. No detrimental impacts are anticipated.

Mr. Spriggs: During the pre-meeting no issues were raised by the Utility Agencies, MPO, Fire, Engineering or Planning. A survey was included of the property showing the power line and rail easements, as well as right-of-ways which would limit the site to a small structure. The uses allowed were listed. The applicant noted that he is not opposed to this being a Limited Use Overlay.

The conditions were read. Mr. Thornton questioned Condition #5, regarding outdoor storage, because he will be having landscaping trailers. Would that be included?

Mr. Spriggs suggested that those should be kept away from the right-of-ways, and that during the Final Site Plan submission to the MAPC in the future, the layout should depict all storage and site parameters during that review.

Mr. Thornton noted that he has an encroachment agreement from Entergy regarding the power line easements. A fence will be provided and the Utility Company will have a key to the gate. The only other restriction is not to have vehicles parked under it for a length of time exceeding 24 hours. No structures will be allowed to encroach; the 40X65 building location was ok with them.

Public Input: None.

Mr. Hoelscher: Asked if the approval would restrict him from the storage pile of loose mulch, grass clippings, or fill materials? Mr. Thornton replied that all mulch materials will be bagged and not staged in bins. They use the incinerator for everything. No plant nursery or materials will be stored. There will be no customer drive-ups and vehicles will be stored inside at night.

Commission Action:

Mr. Scurlock made a motion to approve Case: RZ-16-4, as submitted, to the City Council with the noted conditions, and the MAPC find that to rezone property from “R-1” Single Family to “C-3”, L.U.O., General Commercial Landscaping Business, Limited Use Overlay will be compatible and suitable with the zoning, uses, and character of the surrounding area. Motion was seconded by Mr. Cooper.

Roll Call Vote: 8-0, Unanimous Approval.

Mr. Sculock- Aye; Mr. Kelton- Aye; Mr. Stripling- Aye; Mr. Cooper- Aye; Mr. Reece- Aye; Mr. Hoelscher- Aye; Mr. Perkins- Aye; Mr. Bailey- Aye; Lonnie Roberts, Jr. was chair.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 16-04 a request to rezone property from “R-1”to“C-3”, should be approved based on the following conditions:

1. Applicant must adhere to all utility and rail corridor easements of record.
2. Property shall be used as a landscaping business, with any change of use being subject to MAPC approval, if the need shall arise in the future.
3. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design manual and Flood Plain Regulations.
4. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
5. No landscaping staging/inventory storage areas shall not be situated in areas obstructing site view, nor right of way areas. Outdoor storage of equipment shall be screened.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director



View looking North along frontage on Stadium Blvd.



View Looking Northeast on Stadium



View looking South Toward Site



View looking South/ Site on Left



View looking Northeast toward Site



View Looking Northeast toward site from Stadium Intersection



View looking Northwest of property



View looking Southeast on County Road 428 (E. Lawson)



View looking Southwest of property