



*City of Jonesboro City Council*  
**Staff Report – RZ 10-08 Tim Redden, 5701 E. Johnson**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by Council on May 18, 2010*

- REQUEST:** A recommendation by MAPC to rezone property containing 4.125 acres
- PURPOSE:** To rezone a tract of land from R-1 to C-3 General Commercial L.U.O.
- APPLICANT/  
OWNER:** Tim Redden, 3112 Southern Hills Lane, Jonesboro, AR 72401
- LOCATION:** 5701 E. Johnson Ave./Hwy. 49N
- SITE  
DESCRIPTION:** Tract Size: 4.125 Acres (179,695 sq. ft.)  
Frontage: 847.38' of frontage: 377.08' along Old Bridger/ 500.42' along E. Johnson Ave..  
Topography: Predominantly flat  
Existing Dvlpmt: Vacant
- |                                    |             |                 |
|------------------------------------|-------------|-----------------|
| <b>SURROUNDING<br/>CONDITIONS:</b> | <u>ZONE</u> | <u>LAND USE</u> |
|                                    | North: R-1  | Highway 49N     |
|                                    | South: R-1  | Residential     |
|                                    | East: R-1   | Residential     |
|                                    | West: R-1   | Residential     |
- HISTORY:** Previously petitioned for rezoning and denied by MAPC on November 8, 2005; An appeal was filed, and later heard on December 19, 2005 by City Council; Appeal was read Once and on January, 3, 2006, MAPC denial was upheld by Council unanimously (See attached associated meeting minutes on Agenda Details for this item.)
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed development and offers the following findings.

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**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northeast Sector and to be recommended as Planned Mixed Use Area.

Typically, PMUA is a campus-style planned development with multiple uses that are created in separate buildings or within single buildings, sharing a common image and circulation system. The Planned Mixed Use Area is typically located on major arterial streets; where the infrastructure is preexisting or is planned as part of a proposed development. Access management shall be a major priority; consolidated curb-cuts shall be promoted.

**Components:** The intent of the PMUA is to promote a mix of uses and to discourage single use, and the composition shall be reviewed on a case by case basis by the Metropolitan Planning Commission.

PMUA promotes innovative neighborhood themes having housing choices that will stand the test of time in terms of construction and architectural standards as well as first-class management and maintenance. Consistency is determined with the current proposed change in the zoning to “C-3” General Commercial if designed in an orderly fashion taking into account surrounding residential in terms of buffer and screening and incompatible uses are excluded under a limited use overlay or planned district development.

**Master Street Plan Review:**

The proposed site is located along Highway 49N/Johnson Avenue which is a Principal 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. Hwy. 49 N is already improved, but the applicant only shows a 30 ft. + road easement on Old Bridger Rd. on the rezoning plat. According to the current Master Street Plan, a proposed principle arterial providing for the extension of South Commerce Rd. north will be located just east or west of this tract. To the minimum, the City Engineer will require 60 ft. right of way on public streets during the platting process; however, participation by the subject owner may be needed to accommodate future transportation needs.

**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

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## **Metropolitan Area Planning Commission – Record of Proceedings**

***The MAPC held a public hearing for this request on May 11, 2010 and makes the following recommendation to City Council:***

**Applicant:** Mr. Tim Redden presented the case stating that he has a 4.125 acre parcel located on the SE intersection of Old Bridger Rd. and E. Johnson that he is asking for a rezoning from R-1 Single Family to C-3 Commercial.

**Public Input:** No opposition was present.

**Staff:** Mr. Spriggs stated that Staff has five (5) recommended conditions. He asked Ms. Norris is she was aware of any constraints by the utility companies for installing landscaping within utility easements? Staff has proposed that a 30 ft. landscape buffer be provided along the southern perimeter where the property abuts residential. Ms. Norris noted that nothing permanent could be built in that easement. Anything planted could be removed with any future improvements in those easements.

Mr. Spriggs also noted that the Master Street Plan has proposed a northern extension of Commerce Dr. which may one day align to the east or west of the subject property. The applicant is aware and he is willing to participate in the future if that were to happen. Michael Morris, from City Engineering noted concerns with multiple access points along Highway 49N.

Mr. Tomlinson asked the applicant if he has considered making out a list of uses that he could live with and others that we could eliminate. Mr. Redden stated that he had considered that and would be open to any stipulations. Mr. Spriggs noted that there were some listed in the staff report in the “Findings” section. He recommended that the list could be described as all *uses allowed under the C-3 District* with an exclusion list added.

Mr. Johnny White asked, what is the difference between Vehicular Repair General and Vehicular Limited? Mr. Spriggs noted that the difference is that *General* includes collision body repair shops and contractor enterprise type uses that store vehicles and equipment outside, and the *Limited* would exclude those and include things such as engine repair shops.

Mr. Tomlinson stated that he would like to form a motion to exclude drive in restaurants/fast food and adult entertainment, and he would entertain a motion recommending a C-3 Limited Use overlay with a provision that the following uses be omitted from the C-3 District such as: Car wash, cemetery, construction services, gas station, convenience store, billboards/offsite advertisement, vehicular repair limited and general and adult entertainment.

Mr. Spriggs stated that at the time of site plan review process, we could deal with the cross access easements or any right-of-way issues.

Mr. Paul Hoelscher expressed concerns about eliminating those restrictions if the area were to redevelop as all commercial in the future; do they have the option to come back and approve fast food or any of the other items. Does it have to be a complete rezoning?

Mr. Spriggs stated that we dealt with this same issue concerning Limited Use Overlays where in the last special meeting- Mr. Ben Ford wanted to make a minor request that had to go through the entire process. You may want to be careful how you craft the restrictions.

Mr. Hoelscher asked would it be better to not eliminate but make them a conditional use? Mr. Spriggs agreed with Mr. Hoelscher that the restricted or excluded list of uses could be stipulated as a condition use, and the MAPC could weigh those at that time of whether they are consistent with the area. Mr. Hoelscher stated that it still provides protection to the whole area.

**MAPC ACTION:** Mr. Tomlinson modified his motion as follows:

THE REQUESTED REZONING CLASSIFICATION IS C-3 LIMITED USE OVERLAY (LU-O). THE LU-O IS FURTHER RESTRICTED AS FOLLOWS AND SHALL ADHERE TO THE FOLLOWING STIPULATIONS SET FORTH:

1. THE LIMITED USE SHALL EXCLUDE THE FOLLOWING:

ADULT ENTERTAINMENT  
OFF-PREMISE ADVERTISEMENT

2. THE FOLLOWING LIMITED USES SHALL BE ALLOWED ONLY BY CONDITIONAL USE APPLICATION/APPROVAL BY THE MAPC:

CARWASH  
CEMETERY  
CONSTRUCTION SERVICES  
CONVENIENCE STORE  
FAST FOOD RESTAURANT  
GAS STATION  
GENERAL AND LIMITED VEHICLE REPAIR

3. That all site plans be approved by the Planning Commission with access easement management included on individual site plans with cross access easements. No new work shall commence prior to Final site Plan review and approval by the MAPC.

4. A lighting plan and landscaping plan shall be submitted to the MAPC, including a 30 ft. landscape buffer where the site abuts existing residential uses.

5. That a replat be filed depicting the dedication of a 30 ft. right of way east of the center of Old Bridger Rd.

6. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.

7. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all city, state and local agencies shall be satisfied.

The motion was seconded by Mr. Johnny White. **Roll Call Vote:** Mr. Tomlinson- aye; Mr. Scurlock- aye; Mr. White- aye; Ms. Norris- aye; Mr. Hoelscher- aye; and Mr. Dover- aye. Case recommended to City Council with a 6 to 0 vote. Mr. Roberts, Mr. Kelton were absent.

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**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 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 Staff have reviewed the request and all issues regarding impacts on the surrounding area have been considered. The MAPC unanimously recommends approval of the request of C-3 L.U.O., excluding adult entertainment and off- premise advertisement billboards, recommending approval to Council with a change from R-1 Single Family Residential to C-3 General Commercial L.U.O. with the stipulations noted in the record of proceedings above.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP  
Planning Director  
Planning & Zoning Department

# Site Photographs



View looking to the northeast from area south of the site



View looking to the north from area southwest of the site



View looking northwest



View looking southwest of the subject site.



View looking south along Old Bridger Rd.



View looking to the east along Hwy. 49 N Frontage





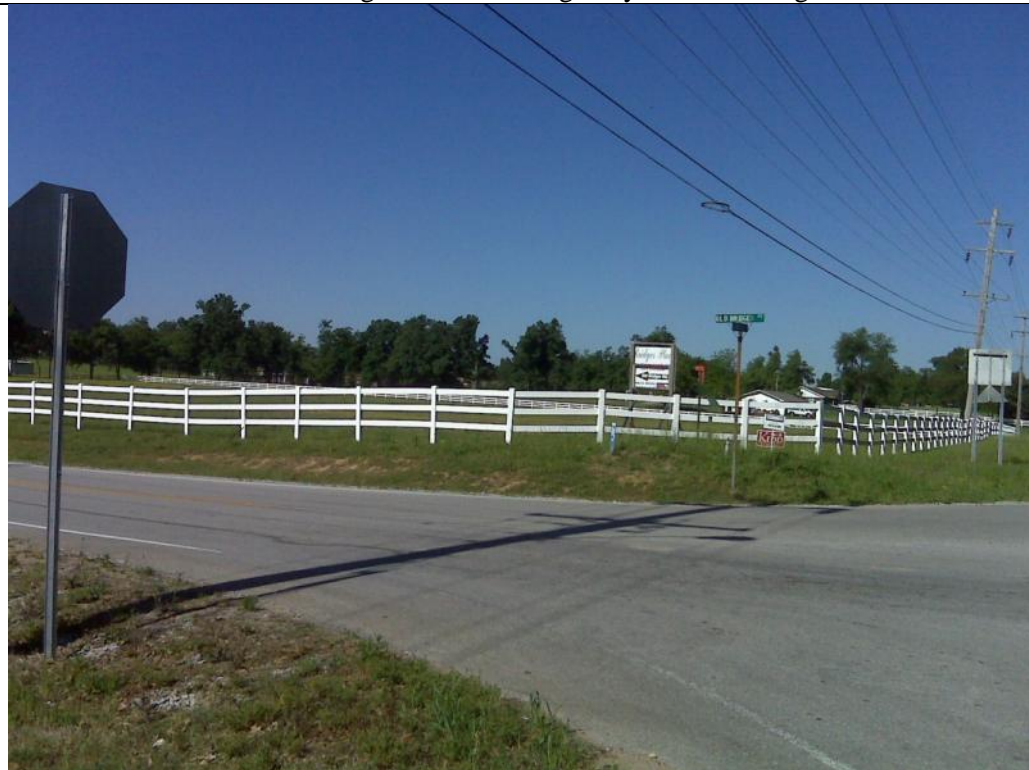
View looking to the southeast from Hwy. 49 N/ Old Bridger Rd. Intersection



View looking to the West along Hwy. 49 N.



View looking to the east along Hwy. 49 N Frontage



View looking Southwest from intersection



View looking to the West along Hwy. 49 N



View looking east from subject property.