

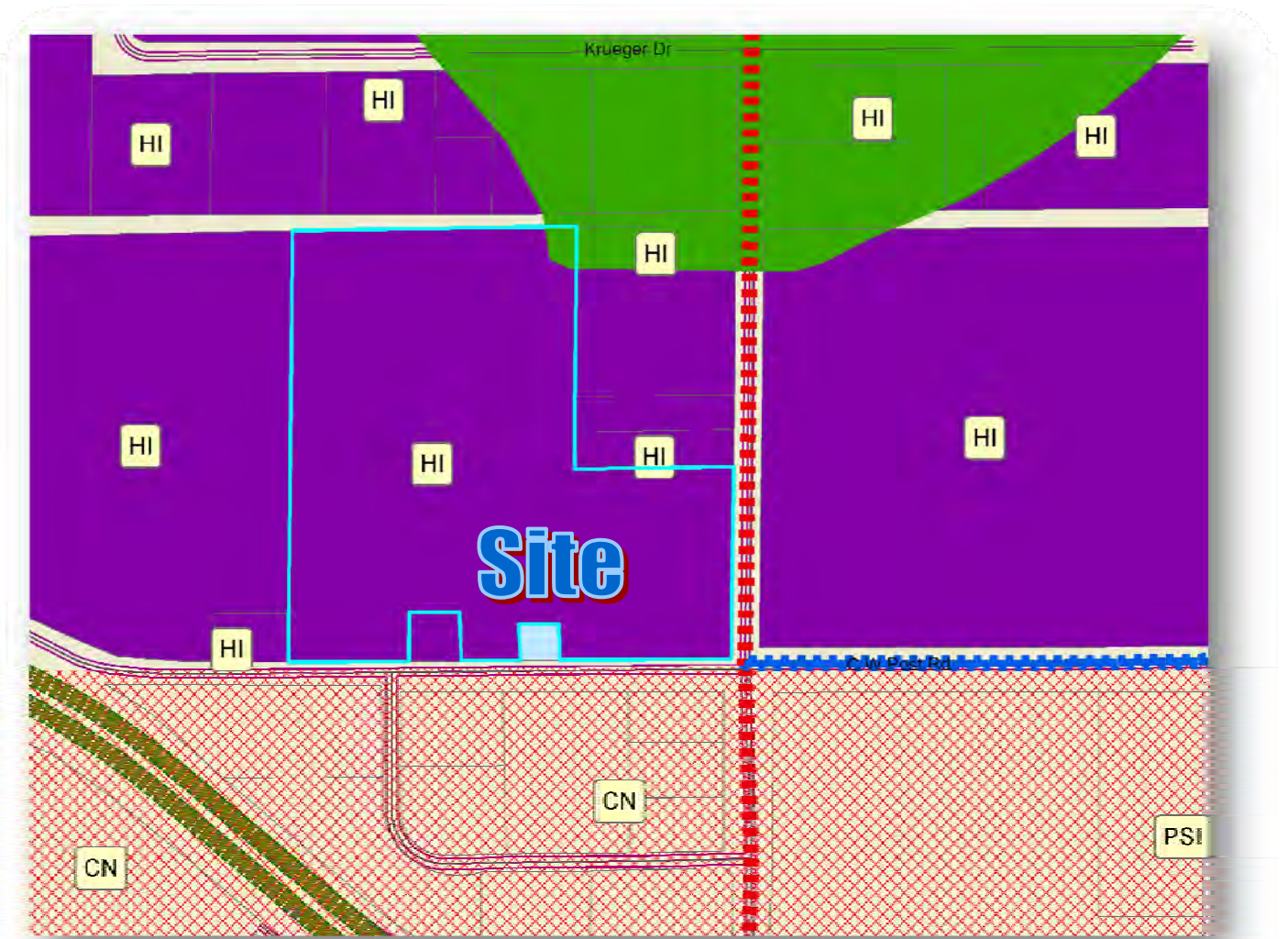
City of Jonesboro City Council
Staff Report – RZ 12-23: C.W. Post Rd. Rezoning
Huntington Building - 900 W. Monroe
For Consideration by the Council on January 3, 2013

- REQUEST:** To consider a rezoning of a parcel of land containing 28 +/- acres more or less.
- PURPOSE:** A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to I-1 Industrial by the MAPC.
- APPLICANT/
OWNER:** Judy K. Huss, Executor, 2309 Mary Jane, Jonesboro 72401
- LOCATION:** 5712 C.W. Post Rd., (At the Northwest corner of Commerce and C.W. Post Road)
- SITE** Tract Size: Approx. 28+/- acres: 1,219,680 sq. ft
- DESCRIPTION:** Frontage: 1,779.75 ft. +/- along Commerce and C.W. Post Rd.

Topography: Flat land
Existing Development: Single family home on pastured land
- | SURROUNDING
CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
|------------------------------------|-------------|--|
| North: | I-2 | Vacant Single Family/Timber/Former Landfill |
| South: | C-3 | Single Family |
| East: | I-2 | Single Family |
| West: | R-1 | Single Family & S.F. Subsidized Rental Housing |
- HISTORY:** NONE
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Heavy Industrial. Larger scale industrial uses such as intensive manufacturing activities which may contain outside storage. Typically industrial or manufacturing uses with convenient access to primary highways or rail system.



Future Land Use Map (HI=Heavy Industrial, purple)

Departmental / Agency Comments:

Department/Agency	Reports/ Comments	Status
Engineering	Request for Review Sent 11/30- Pending	No problems with the proposal as presented
Streets/Sanitation	Request for Review Sent 11/30- Pending	No problems with the proposal as presented
Police	Request for Review Sent 11/30- Pending	No comments to date
Fire Department	Request for Review Sent 11/30- Pending	No comments to date
Utility Companies- CWL	Request for Review Sent 11/30- Pending	No problems with the proposal to date.

Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed each and offers explanations and findings as listed in the rezoning checklist below:

Criteria	Consistent (Yes or No)	Explanation
(a) Consistency of the proposal with the Comprehensive Plan	Consistency achieved with (Land Use Plan)	Comprehensive Plan Update Pending/No Change Anticipated
(b) Consistency of the proposal with the purpose of the zoning ordinance.	Yes/Consistency is achieved with overall planning area	Yes/Consistency is achieved with overall planning area
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	Yes/Consistency is achieved with overall planning area	Yes/Consistency is achieved with overall planning area
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Land is not suitable for residential development under current R-1 zoning	Predominately Industrial Park area
(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;	Industrial park areas are customarily intended for high intense developments	Residential development are not intended to be near heavy manufacturing
(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	Property has been in use with one single resident	Pastured land for 52 years/Property currently used as renter property
(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.	Unknown/No development has been presented	Unknown/No development has been presented

MAPC RECORD OF PROCEEDINGS: MEETING December 11, 2012

Staff:

Mr. Otis Spriggs gave staff summary comments from the Staff Report. Noting that the Future Land Use Map recommends this location as Heavy Industrial. Larger scale industrial uses such as intensive manufacturing activities which may contain outside storage. This category typically includes industrial or manufacturing uses with convenient access to primary highways or rail system; the proposed rezoning is consistent with the land use plan.

The subject site is served by Commerce Drive on the Master Street Plan which defines the road as a principal arterial, requiring 120-ft. of right-of-way. The proposed rezoning plat depicts a 40 ft. right of way, while 60 ft. is recommended for the right-of-way from center-line per the Master Street Plan. The applicant will have to agree to comply with the platting requirements.

The applicant agrees with the existing permitted list of uses under the I-1 Industrial District. A site plan has been recommended to be submitted to the MAPC. The list of approval criteria was outlined per the table provided in the Staff report. Consistency is noted on each item given the surrounding manufacturing uses in the area.

Mr. Tomlinson questioned the right-of-way required on the Master Street Plan. He stated that this is MAPC's opportunity to receive the right-of-way during the time of the rezoning. Mr. Michael Morris concurred. Mr. asked should a motion be made with the condition that the right-of-way be dedicated? Mr. Spriggs agreed that it could be added to Condition No. 1.

Mr. Kelton asked about the tenant currently on site. He asked what is the rental cycle on the property? He also noted the recommended 2 year limitation by Staff.

Mr. Spriggs stated that the concern of staff is the fact that we have removed residential uses from being allowed within the commercial districts. This change would render the property Non-Conforming. He added that he did not see an issue with the Planning Commission sun-shining that non-conformancy. If they required more time, they could always come back and request it.

Mr. Kelton added that the two years is being very generous. Was this the executor's idea on the 2-years? Mr. Spriggs stated that it was the Staff's recommendation only.

Applicant

Judy K. Huss, Executor, 2309 Mary Jane, Jonesboro.

Mr. Kelton asked would she be in agreement to changes and the concerns of the right-of-way. Ms. Huss concurred and agreed to give the additional 20 ft. of right of way. Mr. Kelton asked if the 2-year notice to the tenants was adequate. She stated that she had already given them notice in June, 2012, and they understood and agreed that when the property would sell and was under an approved contract, they would have 30 days to move out. Mr. Spriggs stated that the code allows for 1- year for nonconforming uses to expire.

Public Input: No Opposition Present.

Commission Action: A motion was made by Mr. Jim Scurlock to accept the proposal as stated with the stipulations of City Staff with the right-of-way condition as noted in compliance with the

Master Street Plan; seconded by Mr. Tomlinson that this matter be recommended to Council. The motion carried with the following vote.

Aye: 8 - Jim Scurlock, Kim Elmore, Joe Tomlinson, Brian Dover, Paul Hoelscher; Ron Kelton, Beverly Nix, and Jerry Reece. Recommended to Council with an 8-0 vote.



Vicinity/Zoning

Findings:

Master Street Plan/Transportation

The subject site is served by Commerce Drive on the Master Street Plan which defines the road as a principal arterial, requiring 120-ft. of right-of-way. Proposed rezoning plat depicts a 40 ft. right of way, while 60 ft. is recommended for right-of-way from center-line per Master Street Plan.

Zoning Code Compliance Review:

The applicant has requested a change in zoning from R-1 to I-1. The conceptual layout of the site is unknown at this point; no developer nor marketed product has been determined to our knowledge. The current property to be rezoned is compatible with current zoning of the area. The current property is near a major interchange and surrounded by manufacturing development, and will present no adverse effect to adjacent properties. In reviewing the planning area of the immediate subject site, its current use as a residential zoning area will stifle future commercial growth of an area quickly developing into a commercial/industrial site.

Staff has concerns regarding the current renter of the single family home located onsite at the Southwest

intersection of Commerce and CW Post Road. It is recommended that the renter be afforded a reasonable time limit of two years to vacate the structure upon removal; due to the fact that residential uses are no longer permitted in commercial/industrial zoning districts. MAPC and Council should consider this as a condition of approval.

Specific Code requirements are listed below. The property if rezoned can potentially be developed as any of the permitted uses allowed in the Zoning Code.

I-1, limited industrial district is defined as a district which accommodates freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted, some of which are permitted as a Conditional Use. Suitable transportation facilities are a necessity to this district.

I-1 Zoning District Requirements (Non-residential use):

Requires: Minimum lot width= 50'; Minimum lot depth 100'

Front Setback: 25 ft.

Side: 10 ft.

Rear: 20 ft.

Buffering/Screening:

Dumpsters shall be screened or properly shielded per Section 117-326 of the Jonesboro Code of Ordinances. Perimeter privacy fencing or buffering is not recommended because of the lack of residential area.

Conclusion:

The MAPC and Planning Staff find that the requested Zone Change submitted by Judy K. Huss should be evaluated based on the above observations and criteria, of Case RZ 12-23 noted above, a request to rezone property from "R-1" to "I-1" Industrial Limited. The following conditions apply:

1. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 28 acres as I-1, Limited Industrial, illustrating compliance with the Master Street Plan.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking south from adjacent industry north of site.



View looking west along railroad towards the north boundary of site.



View looking southwest from adjacent industry towards site



View looking East along CW Post – Property site to right



View of subject property looking North



View from site looking South



View looking west, site frontage to the right



View looking northeasterly toward subject site from CW Post Rd.



View looking North toward site



View at Post Cereal looking South towards I-63- Site is to right.



View looking North along Commerce at Post Cereal, Site is to left



View looking West toward Site from Post Cereal