



*City of Jonesboro City Council*  
**Staff Report – RZ 15-02: 5441 & 5443 Southwest Drive. Rezoning**  
Municipal Center - 300 S. Church St.  
*For Consideration by the Council on February 17, 2015*

**REQUEST:** To consider a rezoning of the land containing 3.56 acres more or less.

**PURPOSE:** A request to consider recommendation to Council for a rezoning from R-1(rear) and C-4(front) to proposed C-4 L.U.O. (Modified), as recommended by the MAPC.

**APPLICANTS/  
OWNER:** **David and Deborah Hartshorn**, 4607 South Culberhouse, Jonesboro AR

**LOCATION:** 5441 and 5443 Southwest Drive, Jonesboro, AR

**SITE  
DESCRIPTION:** **Tract Size:** 154,898 Sq Ft-3.56 Ac  
**Street Frontage:** 209.99' (Southwest Drive) and 60' (Jaybee Drive)  
**Topography:** Slopes downward to the southeast from Elev. 387 to El. 377.  
**Existing Development:** Vacant

<b>SURROUNDING</b>	<b><u>ZONE</u></b>	<b><u>LAND USE</u></b>
<b>CONDITIONS:</b>	North: R-1	Single family Res./Vacant
	South: C-4	Office/Residential Vacant
	East: C-4	Single family/Commercial
	West: R-1	Single family Res.

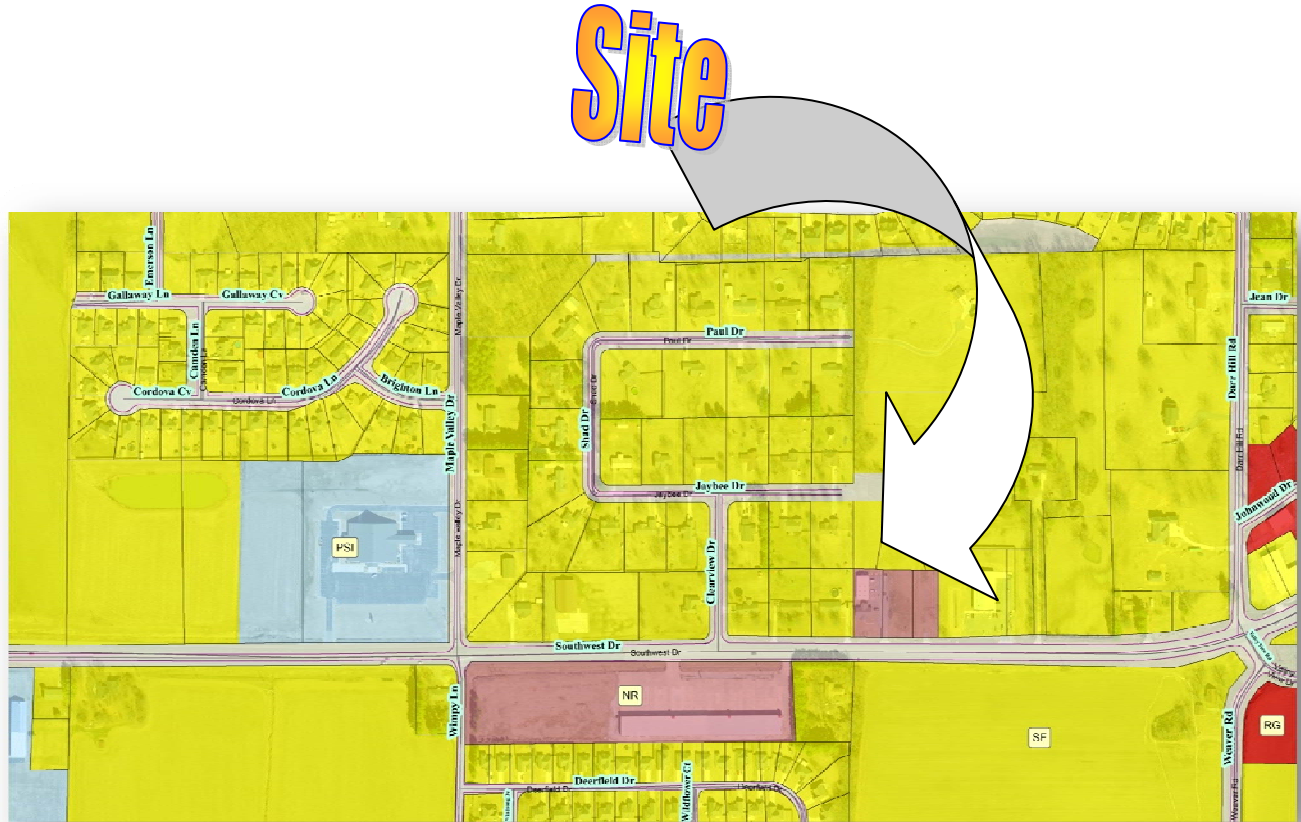
**HISTORY:** Lot 2 and Lot 5 of Clearview Estates were rezoned by Council in 1989 and 1991 to C-4 Neighborhood Commercial.

**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 both Single Family and partially Neighborhood Retail Commercial. The proposed rezoning is not consistent in the rear portion of the site which is highlighted as single family; however the south half along Highway 49 is consistent with the adopted Land Use Plan.



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**Adopted Future Land Use Map**

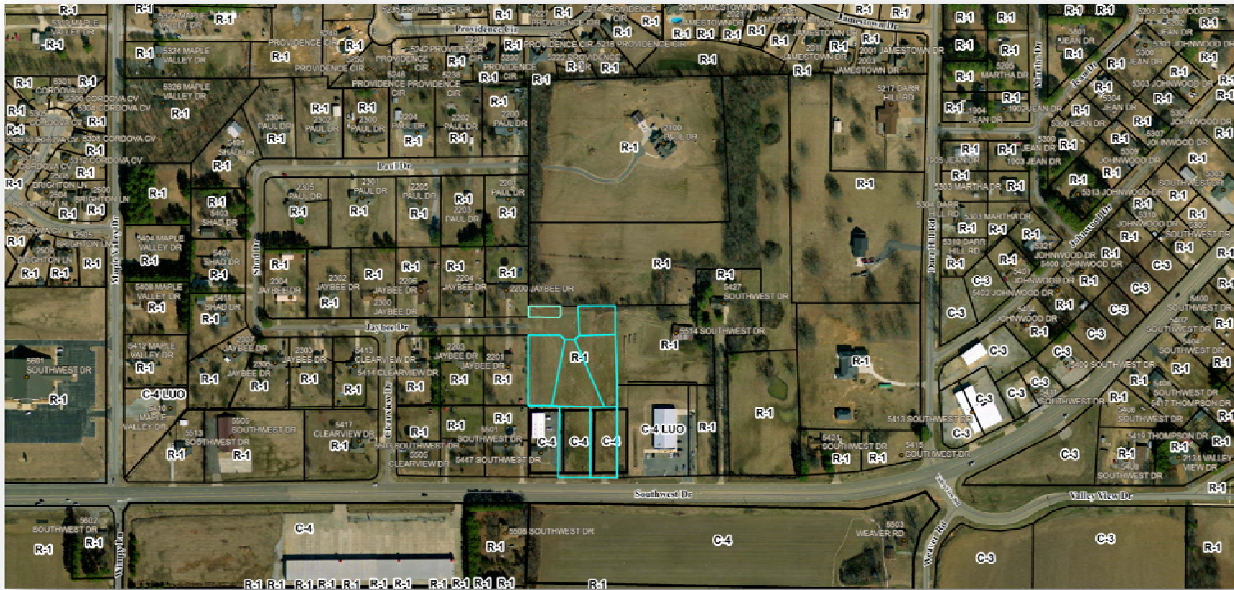
**Master Street Plan/Transportation**

The subject property is served by Highway 49, Southwest Drive on the Master Street plan, which is classified as a Principle Arterial, requiring a 120 ft. right-of-way (60 ft. to centerline). The property also fronts on the terminus Jaybee Drive to the west, which is a local street having a required right of way of 60 ft. of right of way. Jaybee Drive is a narrow residential street without curb and gutter. Proper termination of the right of way improvements with this development is essential. Partial right of way abandonment may be necessary.

**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:

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-4 District rezoning is not consistent with the Future Land Use Plan, which was categorized as Single Family Residential. The property is designated as neighborhood retail on the highway frontage.	 
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The property is consistent along Hwy. 49/Southwest Dr.; The rear of the property is part of a platted subdivision.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. Property fronts on major highway access road.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Property is not suitable for single family residential along the highway frontage.	
(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;	This site and use should not be a detriment to the area. At time of transition or reuse, little or no traffic will be noticed by surrounding residential if the residential scale and character of the neighborhood is maintained.	
(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 is vacant within the R-1 zoning district.	
(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 to C-4, L.U. Overlay.	



**Vicinity/Zoning Map**

**Staff Findings/Applicant’s Purpose:**

After researching the general vicinity, it appears that other properties associated with Clearview Estates Subdivision Phase II have been considered for rezoning petitions; some of which have been requested for C-3, but later determined that they were better suited as C-4, Neighborhood Commercial. In this application, it is apparent that the applicant intends for this property to be developed as some type of “small” commercial to blend with the surrounding uses. On that note, Staff would agree that the scale of whatever commercial is placed as this location should be small and residentially compatible. The MAPC after much discussion agreed with staff in leaving the C-4 zoning as-is and offering a compromise by allowing the adjoining rear acreage to be recommended for approval from R-1 to C-4 Neighborhood Commercial.

Other surrounding residential uses which will remain for years should be protected against any type of adverse impacts by the commercial uses to be marketed for the subject site.

Moreover, any uses that may cause detriment to the residential neighborhood to remain, should be discouraged. If the property should ever be redeveloped under the suggested C-4 District, the following uses should be prohibited because of their incompatibility with residential:

- Gas Fueling Station
- Billboard Advertisement
- Automotive Repair/ Collision Repair
- Animal Care
- Adult Entertainment
- Hospital
- Auditorium/Stadium
- Freight Terminal

***Chapter 117 Zoning Ordinance:*** C-4, Neighborhood Commercial District provides for limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations, or other carefully selected areas. Buildings are to be of residential character regarding outward appearance.

In considering the adjacency of this site to a pre-existing residential subdivision, staff supports the Commercial section of the Zoning Code which offers the C-4, which we feel is a better option. The applicant agreed during the MAPC public hearing and revised their petition for a change to “C-4” L.U.O. Neighborhood Commercial, with added conditions as noted below.

The City of Jonesboro Zoning Resolution includes a list of permitted uses within C-3 developments as follows (*Note the highlighted uses in yellow are suggested to be prohibited due to adverse impacts on residential*):

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
		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	Warehouse, residential (mini) storage	Conditional
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		

**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:

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	Issues of connectivity to the existing Jaybee Drive were addressed, see Record of Proceedings.	
<b>Streets/Sanitation</b>	No issues were reported	
<b>Police</b>	Reported no issues.	
<b>Fire Department</b>	Reported no issues.	
<b>MPO</b>	Reported no issues.	
<b>Jets</b>	Reported no issues.	
<b>Utility Companies</b>	Reported no issues.	

**Record of Proceedings: MAPC Public Hearing held on February 10, 2015**

**Applicant:**

**Mr. John Easley**, Associated Engineering, appeared before the Commission, representing the owners asking for a rezoning at 5441 and 5443 Southwest Drive, just west of the Dollar General Store which is also zoned C4; we were asking for C3 Zoning. However, after meeting with staff and speaking with the owners, they concur and agree with the recommendations of the City Planner to revise the application to C-4 L.U.O. Neighborhood Commercial, with the noted allowed uses.

**Staff:**

**Mr. Otis Spriggs** gave an overview of the Staff Report Findings, giving the surrounding conditions of the site. The Land Use Plan and Master Street Plan findings were offered which denote the property to be partially consistent and partially not, having the frontage recommended as neighborhood commercial, while the rear listed as single family residential. Historically, in 1989 & 1991, the property was partially rezoned to C-4 after being revised at the Council adoption from an original petition of C-3.

He continued: The Master Street Plan recommendations include the frontage along Highway 49 as a Principle Arterial (60 ft. Right of Way); Jaybee Dr. is a local road, which terminates into the development with an undeveloped stub-out and turn-around radius as seen on the plat. Coordination would have to be made with any future development of this site. There are some concerns from staff, on relating what's being proposed to the existing single family residential, which most of houses on Jaybee Drive are in good quality, in terms of housing stock. Consideration needs to be made for the connectivity of street as well as types of uses concerns in the report. Land Use Plan consistency was achieved along Hwy 49 north, the rear the recommendation on plan was for single family residential. On page 4, of the staff report, are some uses listed that are considered a nuisance to a quiet neighborhood. Hence, the recommendation to change the zone to C-4 L.U.O., limited use instead of C-3.

No comments were received from the various departments, or agencies.

**Mr. Spriggs** read the four sample conditions, from page 6 of the staff report that the Planning Commission would find that the property could be be rezoned to C-4 L.U.O. as modified with these four conditions:

1. 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.
2. 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.
3. The applicant/successors agree to comply with the Master Street Plan recommendation for Southwest Drive and Jaybee Drive upon any future redevelopment of the site.

4. The property shall be redeveloped under the C-4 Commercial District standards, without the following prohibit uses:

- Gas Fueling Station
- Billboard Advertisement
- Automotive Repair/ Collision Repair
- Animal Care
- Adult Entertainment
- Hospital
- Auditorium/Stadium
- Freight Terminal

**Public Input:**

**Richard Green**, 2204 Jaybee Drive, Stated that he works at NEA Hospital. Additionally for a few years, he made a living reading maps. If you were standing out there, you don't see any of that at the end of Jaybee Drive. Jaybee Drive is a "C" shape, you can only enter in and out in one place. Buses rush through there every morning. He quoted traffic issues with the commercial coming through. If you step outside his driveway and look east, it looks nothing like the drawing. There is an old barn out there that is zoned R-1. Anything commercial will invite more commercial traffic. He stated that he doesn't need trucks and cars driving down his residential street. It's a dead end street and the only business you would have on this road, is if you live there. Concerns for adverse reaction to his property values and having a through street to commercial were voiced. He sees nothing but negatives even with a privacy fence. Along Hwy 49 plenty of commercial property and opportunities but the residential zoning doesn't need to be changed.

**John Easley** stated that the plat shows recorded information, the lots existing there is what is recorded. In his personal opinion, you would abandon the street and put tall evergreens to buffer the commercial and keep Jaybee as private. Where the mow line is, you would have a landscape buffer it wouldn't affect the school buses. There would be no access or traffic through Jaybee Drive and it would remain a dead end street.

**Mr. Scurlock:** There will not be access off Jaybee Drive, correct.

**Mr. Spriggs** mentioned the acreage above the blue highlighted portion, which is the site, is private property which has frontage on that street right away, so some form of abandonment would have to be made officially to City council and they would have to consent to that abandonment before that could occur. The owners have legal frontage on street right away, the vacant property that has not been developed there and they have legal rights to connect to that public street and develop the property. This issue would have to be dealt with.

**Mr. Scurlock:** That part of the development could be left intact for a future street, correct.

**Mr. Spriggs:** Somehow, you would have to barricade it off and make it only for residential use only and end where commercial could possibly be developed.

**Mr. Green:** I understand that and it would be great; but, what if all of a sudden, five to ten years down the road, someone else buys the property and its commercial and they don't share the same ideas or plans we have discussed here tonight? My property values would take a hit. That portion of the property we would like to keep residential, so we can keep the neighborhood homogenous.

**Mr. Spriggs:** In response to Mr. Green, the applicant originally requested a C-3 without any restrictions, however the C-4 L.U.O. means whatever is "approved if changed" would be held to the conditions listed. As well as, any conditions the Planning Commission was to add to that would go with the land. Regardless of who owns or develops it in the future, they could not make changes to those conditions without going through this very same process.

**Mr. Scurlock:** Noted that he is still not clear on where the access to the property is off of Hwy. 49.

**Mr. Spriggs:** All of the blue green area would be owned by the applicant, correct.

**John Easely:** The Owners owns all of highlighted “blue green area”. Access would be off of Hwy. 49, not on Jaybee Drive.

**Mr. Spriggs:** Agreeable to such a condition that would condition the access only on highway 49, no commercial would be allowed to or from Jaybee Drive in the future.

**Mr. Kevin Bailey:** Mr. John Easely, do you agree with the barrier or barricaded and natural barrier?

**John Easely:** I guess on any type of development here you have the offsite mitigation to deal with. In favor of not having in the front or visible, you have in the rear, which would offer a natural barrier. Any kind of access off Jaybee Drive would be blocked.

**Mr. Lonnie Roberts:** That was one of my concerns when I went out there today, it is not in the back yard houses it is the full length of the side, the 2201 Jaybee Drive. Could the barrier be done on the entire side of that residential line?

**Mr. Spriggs:** It would be done on the west line and then some areas south of that turn around there would have to be some form of screen or barrier.

**John Easely:** Agrees to leave the right away open and leave it intact for future development or revisions.

**Mr. Spriggs:** Right away abandonment would not occur unless staff consents to it or the property owners consent to that. We could not legally cut off access to the individual owning property in the rear.

**Public Input (Additional)**

**Mr. Stewart Cooper,** 2303 Jaybee Drive, he lives at the second property to the left of the Clearview entrance. He asked, what prevents the property owner from putting a street off of Southwest Drive that would connect to our Jaybee Drive?

**Mr. Otis Spriggs:** Through the plat approval and through any conditions we have placed, that would be prevented. The restrictions would run with the land.

**Mr. Stewart Cooper:** Where you saw on the plat, there was a street. If that is pre-plated I didn't know how easy it would be for them to connect to that proposed street.

**Mr. Spriggs:** They have the legal right to connect to that now, but they are giving up or waiving that right to connect to that street, because of the conditions placed on this case.

**Mr. Stewart Cooper:** Regarding our children riding the bus and riding bikes, we just really would prefer the land to stay residential. What they did with the area off Southwest Drive, I don't have an objections to that. There is a Dollar General and that is fine. I just agree with my neighbors that it should remain residential.

**Mr. Reese:** Do you agree with the ingress and egress only being off Hwy. 49 Southwest Drive. And do you agree with the buffer?

**Mr. Easely:** Yes, we agree.

**Mr. Lonnie Roberts** asked, if you leave the Jaybee Drive, open for access to the vacant property to the north, can you replat the property so that it will move the access the west corner.

**Mr. Michael Morris (Engineering):** Asked, if you move the right of away to the middle of the property above, it would be preferred it to be more in the center.

**Commission Action:**

Motion was made to recommend approval to City Council as discussed with the noted conditions by **Mr. Scurlock**, 2nd by **Mr. Kelton**.



**Roll Call Vote: Mr. Hoelscher- Aye; Mr. Reese- Aye; Mr. Bailey- Aye; Mrs. Schrantz- Aye; Mr. Scurlock – Aye; Mr. Kelton –Aye; Vote 6-0 approved.** Mr. Perkins and Mr. Cooper were absent. Mr. Lonnie Roberts was chair.

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**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 15-02, a request to rezone property from “R-1” Single Family to “C-4” L.U.O. Neighborhood Commercial, as revised the following conditions are recommended:

1. 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.
2. 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.
3. The applicant/successors agree to comply with the Master Street Plan recommendation for Southwest Drive and Jaybee Drive upon any future redevelopment of the site.
4. The applicant agrees that Jaybee Drive right of way shall not be used for ingress or egress to or from the subject property.
5. The applicant agrees that screening and buffering shall be provided along each side of the property that abuts residentially zoned property.
6. The property shall be redeveloped under the C-4 Commercial District standards, without the following prohibit uses:
  - Gas Fueling Station
  - Billboard Advertisement
  - Automotive Repair/ Collision Repair
  - Animal Care
  - Adult Entertainment
  - Hospital
  - Auditorium/Stadium
  - Freight Terminal

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



View looking East on Southwest Drive



View looking West on Southwest Drive



View looking at site towards Northwest



Business directly at property to the West



View from Jaybee Drive looking East at adjacent residential property



House on Jaybee Drive looking South



View looking West on Jaybee Drive



View looking North on Jaybee Drive