



City of Jonesboro City Council
Staff Report – RZ08-26: Gary Odor – 3400 Culberhouse
Huntington Building - 900 W. Monroe
For Consideration by the Council on Tuesday, October 21, 2008

REQUEST: To consider rezoning a parcel of property containing approximately 1.5 acres more or less.

PURPOSE: A request for rezoning from R-1 Residential to C-4 Limited Use Overlay for a Swimming Pool Home Improvement use.

OWNER: Gary Odor, 2404 Twin Oaks, Jonesboro AR.

LOCATION: 3400 Culberhouse Rd., Jonesboro, AR

SITE DESCRIPTION:
 Tract Size: Approx. 1.5 acres
 Frontage: Approx. 200 ft. +/- (Culberhouse Rd.)
 Topography: Gradually sloping westward
 Existing Dvlpmt: Former nonconforming repair shop

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	R-1	Food Bank (Business Service Use)
East:	R-1	Residential
West:	R-1	Residential

HISTORY: The structure was previously a nonconforming repair shop.

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

COMPREHENSIVE PLAN/ FUTURE LANDUSE MAP

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Medium Density Residential. This property and vicinity is pending a restudy on the land use map by the Land Use Advisory Committee.

Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

MAPC RECORD OF PROCEEDINGS: Public Hearing- October 14, 2008

Mr. Gary Odor appeared before the Commission and requested the rezoning for his pool business. He spoke with the abutting neighbors, and no one objected. Wants to continue the use of the building like it was used.

The structure was formerly a non-conforming use. Because of the lapse in time of the use, any active commercial activity will require a rezoning; no evidence of continuance as repair shop is demonstrated. Mr. Spriggs presented

the staff findings and requested that the Commission revised the application from a C-3 L.U.O request to a C-4 L.U.O. District.

Mr. Hoelscher asked what was surrounding zoning districts and where the nearest commercial zoning was located. Mr. Spriggs stated that the property is surrounded by R-1 Zoning although the subject property was used as commercial under the non-conformancy of a repair shop, as well as the commercial building to the south used as a food bank. The other nearest commercial zoning was Sartin's Landscaping to the south which is C-4 and what is situated on Parker Road which is moving towards commercial uses.

Mr. Tomlinson made a motion that the property be rezoned to C-4 L.U.O. to the City Council, with the following conditions:

1. Future site redevelopments shall be subject to MAPC review and approval with a limited and maximum 50% lot coverage. That the neighborhood scale/character be preserved.
2. That prior to any occupancy of the building by the subject applicant or use, proper building code compliance shall be met by the applicant through the final occupancy permit process.
3. That any outdoor storage shall be limited to the rear yard and shall be totally screened from view from the street and all abutting residential properties.
4. All vehicular parking shall be properly surfaced and meet code requirements for impervious surfacing.

Mr. Odor asked about C-4 which would limit him to residential building looking like a house. His concern was if he decided to build an additional accessory space. C-3 would work better since he did not have any opposition. Mr. Tomlinson added that this is more a peaceful type of zoning than C-3. Mr. Spriggs stated that the conditions would allow some amount of threshold for an accessory addition.

A motion was made by Joe Tomlinson, seconded by Lonnie Roberts Jr., that this Rezoning be Recommended to Council. The motion CARRIED by the following vote:

5 Ayes: Ken Collins; Margaret Norris; Lonnie Roberts Jr.; Joe Tomlinson and Jerry Halsey Jr.

1 Nay: 1 - Paul Hoelscher

Absent: 2 - Marvin Day and Brian Dover

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.



Findings:

The applicant is requesting a rezoning to allow a *Swimming Pool Home Improvement* use. The zoning plat shows the existing structure on the property which was formerly a repair shop, and was considered as a nonconforming use in the past. This structure is not residential in character by any means, and would be better utilized as a neighborhood scale commercially used structure, demanding limited vehicular and customer traffic.

The underlying zoning is residential. The structure to remain appears to be used as some form of storage/ pole building. Because of the lapse in time of the use, any active commercial activity will require a rezoning; no evidence of continuance as repair shop is demonstrated. Staff originally consulted with the applicant and this application is for the rezoning from R-1 Residential to C-3 General Commercial L.U.O. for the swimming pool business. In essence, the property will be used mainly as a central office location for the business functions with limited walk-up/drive-up traffic.

Staff requested and the MAPC revised this request to a more restricted commercial district such as C-4 L.U.O. Neighborhood Commercial District, and therefore categorize this use as Retail/Service. Typical uses under this category include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromat, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories. Most of these uses would not be compatible with the area, however the proposed use can be considered a use allowed under the spirit and intent of neighborhood commercial, but limit the amount of growth that such business will be allowed (maximum 50% lot coverage).

Controls which would preserve the residential character of the area, as well as buffering of abutting residential properties, while reducing any lighting, noise or negative impacts such as excessive deliveries and traffic will have to be demonstrated and addressed by the applicant.

Conclusion:

MAPC and the Planning Department Staff find that the requested Zone Change submitted by Gary Odor should be reviewed based on the observations above. In the Case of RZ-08- 26, a request is hereby submitted as a request to rezone property from R-1 to C-4 L.U.O. Neighborhood Commercial Limited Use Overlay-Swimming Pool Business, recommended to the Jonesboro City Council, with the following conditions:

1. Future site redevelopments shall be subject to MAPC review and approval with a limited and maximum 50% lot coverage. That the neighborhood scale/character be preserved.

2. That prior to any occupancy of the building by the subject applicant or use, proper building code compliance shall be met by the applicant through the final occupancy permit process.
3. That any outdoor storage shall be limited to the rear yard and shall be totally screened from view from the street and all abutting residential properties.
4. All vehicular parking shall be properly surfaced and meet code requirements for impervious surfacing.

Respectfully Submitted to Council,

Otis T. Spriggs, AICP
Planning and Zoning Director

Site Photographs



View looking East at subject building



View looking South on Culberhouse



View looking North on Culberhouse



View looking North on Culberhouse



View looking West across Culberhouse from Project Site



View looking Northwest from Project Site



View looking North on Project Site



View looking North at subject building



View looking East from Project Site