



City of Jonesboro City Council
Staff Report – RZ 11-23: Brimhall/Payton/Smith/Mt. Zion Baptist Association
Rezoning- 2100, 2124 Stadium Blvd. /3010, 3012, 3014 Sun Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council on December 6, 2011

REQUEST: To consider a rezoning of a parcel of property containing approximately 2.42 acres more or less as from R-1 Single Family District to C-3 L.U.O. make recommendation to City Council.

PURPOSE: A request to consider the approval by the Metropolitan Area Planning Commission, as recommended to City Council for final action as C-3 L.U.O. Commercial district.

APPLICANT: Larry Brimhall, Billie D. Alexander, Mt. Zion Baptist Association, Mary Payton, and Kenneth M. Smith (See Application for more information).

OWNER: SAME AS ABOVE

LOCATION: 2100, 2124 Stadium Blvd. & 3010, 3012, 3014 Sun Ave.

SITE DESCRIPTION: Tract Size: Approx. 2.42 +/- acres,
 Frontage: Approx. 500' on Sun Ave., 301.34' on Stadium
 200' Dayton Ave.
 Topography: Predominantly Flat
 Existing Dvlpmt: Residential

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3/R-3 Multi-Family	Commercial/Multi-fam. Res.
South:	C-3 L.U.O., R-3 Multi-Family	Commercial, Residential
East:	R-3 Multi-Family	Single Family Residential
West:	C-3	Old Fairgrounds/Redevelopment

HISTORY: None

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

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.

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 a Planned Mix Use Area. Consistency is achieved.

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 Mix Use Area is typically located on major arterial streets where infrastructure is pre-existing or is planned as part of a proposed development. Access management shall be a major priority; consolidated curb-cuts shall be promoted.

It is suggested that the PMUA compromise of a minimum of 10% of the total planning area to include commercial uses; maximum 25% multi-family. Green space and open space is encouraged where PMUA developments abut more restrictive districts, where buffers are necessary.



Vicinity Map- Zoning Map

Master Street Plan Review:

The proposed site is located along Stadium Blvd. /Hwy. 49 which is a principal arterial on the most current Jonesboro Master Street Plan. The rezoning plat depicts a 50' R.O.W. which lacks the requirement for a Principle Arterial (total 120'), the minimum is 60'. Sun Ave. is a local collector which requires 60' total, depicted as 25' and the requirement is 30'.

Findings:

With the new mall development, this area abuts a changing commercial corridor which includes other new retail development just north, west and south of the subject property. The request for rezoning allows for a more planned opportunity as opposed to the typical piece-meal developments brought before the commission and council in the past. With proper buffering a quality commercial development can be incorporated into this planning area.

This area will prove conducive for commercial uses along Stadium Drive north and south of the mall given the traffic volume. Traffic access management along this heavily travelled corridor should be limited on the number of curb cuts along Stadium Blvd. and should also be mindful of the surrounding subdivision. A 20' buffer should be provided and proper screening where residences abut. Landscaping and lighting plan would also be required at the final submittal.

The proposed rezoning will result in existing R-3 Single Family District requested to be zoned to C-3 L.U.O. Although the subject property abuts a single family residential subdivision, the 2.42-acre site will be required to provide a buffer and screening. The requested zoning to a limited use includes specifically prohibited and conditional uses as follows:

Prohibited:

- Adult Entertainment
- Off-Premise Advertisement
- Billboards
- Communication tower
- Funeral Home
- Nursing Home
- Warehouse, Residential (Mini) Storage
- Daycare, Limited (Family Home)
- Cemetery

The following uses shall be allowed only as a Conditional Use application approval by MAPC:

- Carwash
- Service Station
- Fast Food Restaurant
- Pawn Shop
- Gas Station
- General Daycare
- Vehicle Repair-Limited
- Vehicle Repair-General

MAPC Record of Proceedings for Public Hearing Held on November 8, 2011:

Applicant: Applicant's Agent: Michael Daniels, HKB Associates: Appeared before the commission and noted that he will answer any questions. He is requesting a change from existing R-3 to C-3 LUO.

Staff: Mr. Otis Spriggs presented the findings of the Staff Report noting consistency is achieved with the Master Land Use Plan which recommends that this land be used as Planned Mixed-Use types of developments in the future. This provides for a mixture of office, retail, and housing.

The Master Street Plan is complied with which recommends Stadium Dr. as a Principle Arterial, except for Sun Avenue which recommends a local street with a 60 ft. right of way. The plat does not show compliance (25 ft. ROW noted). Five (5) feet is needed.

The applicant has proposed a list of prohibited uses and conditional uses under the limited use overlay request. The list was referred to. Staff has no major problems with that list with the exception of the fast-food restaurant which caused a vast amount of confusion with the previous Panera Bread case. Staff recommends that the Commission move with caution with those restricted uses.

We feel confident that when the site plan is reviewed by the MAPC at a later time, the uses can be dealt with on an individual basis to weigh impact on abutting residential properties that remain. We notice that with the 20 ft. buffer recommended, it may need to be relaxed as requirement in unique situations where it may not be needed. The applicant will testify to that.

The uses listed can be modified, added to or deleted by the MAPC in your recommended motion to City Council. Mr. Spriggs read the 6 conditions by Staff.

Mr. Spriggs: Noted that the Planning and Engineering Departmental staff had concerns with the proliferation of driveways along Stadium Dr. and recommended that the MAPC considered restricting access driveways on/off the side streets (Sun Ave./Dayton Dr. only).

Mr. Daniels: This lot isn't going to be sold as whole. These are a group of property owners that went in together on the rezoning. I can't state in confidence they will be sold together. On the northern two lots- are you saying access off of Dayton Dr.; I need to consult with my client.

Mr. Spriggs suggested that we need to look at access management as a whole; the lots need to be coordinated as a larger scale development and not done piecemeal as it relates to Stadium Blvd.

Mr. Spriggs asked the Applicant to speak to the right of way request. Mr. Daniels noted that he is not willing to give extra right of way unless it is needed in the future. In the design phase we can plan for that accordingly.

Mr. Spriggs: Do you know that as required by the Master Street Plan, that through the subdivision platting process we recommend that the right of way requirements are adhered to? But, you are not willing to comply with the Master Street Plan?

Mr. Daniels: We are willing to, but we are not willing to give it away right now. It is an existing street we are not creating any additional burden with the rezoning. In the design phase we can plan for the additional right of way taking but the City can purchase the right of way.

Mr. Tomlinson: I am concerned about the right of way requirements of the Master Street Plan. We are dedicated to enforcing the Master Street Plan. I think that should be taken care of by the developer.

Mr. Daniels: At this time we are not platting or designing we are just asking for rezoning.

Mr. Tomlinson: That ends up as part of the rezoning process and the enforcement of the MSP as we deal with property.

Mr. Daniels: At this time we are not willing to give the right of way.

Mr. Tomlinson: Well I will not be ready to approve it.

Mr. Daniels: Is that a stipulation?

Mr. Spriggs: It is not a stipulation. We are not requiring it. We are asking for consideration of it.

Mr. Tomlinson: I believe this was done in the rezonings in the vicinity of this.
Mr. Spriggs: The developer agreed to take care of that.

Mr. Spriggs: We are not asking for donation of the R.O.W. at this time, however we are asking for some form of commitment. Then it would be handled during the platting process.

If this is information that you need to coordinate this with your client, then you may want to ask that it be tabled until you can verify that. I am just providing options.

Public Input: None.

Mr. Scurlock: Can we just make it subject to the condition that if the extra five (5) feet is appropriate.

Mr. Roberts: I think we can address it during the site plan approval. Mr. Spriggs noted that during the site plan approval the MAPC has the liberty to consider base upon individual requests per lots.

Commission's Action:

Mr. Scurlock made a motion to approve the rezoning subject to an MAPC site plan review being required and we will address the right of way easements at that time subject to the recommended staff conditions; Seconded by Mr. Kelton. Mr. Spriggs asked for clarifications on the conditions (prohibited list).

Mr. Daniels added that there was a concern on the fast-food restaurant condition. MAPC may remove that if you would like, because either way it will come back. We are ok with the way it is. Mr. Scurlock we may as well leave it the way it is. Mr. Daniels asked about the 20 ft. buffer which may cause a hardship on the smaller lots. Just as long as we can review them on an individual basis. Mr. White asked if the stipulations of Staff were included in the motion? Mr. Scurlock concurred.

Conditions:

1. The requested zoning to a limited use includes specifically prohibited and conditional uses as follows:

Prohibited:

Adult Entertainment
Off-Premise Advertisement
Billboards
Communication tower
Funeral Home
Nursing Home
Warehouse, Residential (Mini) Storage
Daycare, Limited (Family Home)
Cemetery

The following uses shall be allowed only as a Conditional Use application approval by

MAPC:

Carwash
Service Station
Fast Food Restaurant
Pawn Shop
Gas Station
General Daycare
Vehicle Repair-Limited
Vehicle Repair-General

2. That all future site plans shall be approved by the Planning Commission with safe access easement management included on individual site plans. No new work shall commence prior to Final site Plan review and approval by the MAPC.
3. A lighting plan and landscaping plan shall be submitted to the MAPC, including a 20 ft. landscape buffer, including privacy fencing where the site abuts existing residential uses; to be evaluated by the MAPC during the time redevelopment occurs.
4. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
5. 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.
6. That the owner shall coordinate all egress/ingress, agree to the standards with the State Highway Dept, City Engineering Dept. and the Planning Dept.

Roll Call Vote: Mr. Dover- Aye; Mr. White- Aye; Ms. Nix- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye; Mr. Kelton- Aye. Mr. Tomlinson- Aye; Mr. Roberts- Chair. Motion passed with a 6-0 Vote in favor.

Conclusion:

The MAPC and Planning Department Staff recommend the requested Zone Change to City Council submitted by Larry Brimhall and Others, RZ 11-23 should be approved from R-3 Multi-Family to C-3 Limited Use Overlay with the above stipulations included in the Record of Proceedings.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking West along Sun Ave.



View looking North of one the sites along Sun Ave.



View looking North of one the sites along Sun Ave.



View looking East of the sites along Sun Ave.



View of the site looking to the west from Sun Ave./Stadium Blvd.



View of the site looking to the north from Sun Ave./Stadium Blvd.



View looking East of the sites along Stadium Blvd.



View looking South of the sites along Dayton Ave.