



City of Jonesboro City Council
Staff Report – RZ 11-11: Food Bank of NEA
 Huntington Building - 900 W. Monroe
For Consideration by the Council on May 17, 2011

REQUEST: To consider a rezoning of a parcel of property containing approximately 0.79 acres more or less from R-1 Single Family to C-4 and make recommendation to City Council.

PURPOSE: A request to consider an approval by the Metropolitan Area Planning Commission and recommendation to City Council for final action as C-4 L.U.O., Neighborhood Commercial District.

APPLICANT/ OWNER: Food Bank of NEA, Christie Jordan/Executive Director
 3406 S. Culberhouse St. Jonesboro AR 72404

LOCATION: 3406 S. Culberhouse St.

SITE DESCRIPTION: Tract Size: Approx. 0.79 +/- acres, Sq. ft. +/-
 Frontage: Approx. 106 ft. along S. Culberhouse St.
 Topography: Flat
 Existing Devlpmt: Existing Food Distribution Warehouse

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-4 LUO	Commercial
South:	R-1	Residential
East:	R-1	Residential
West:	R-1	Residential

HISTORY: Existing Non-conforming use.

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:

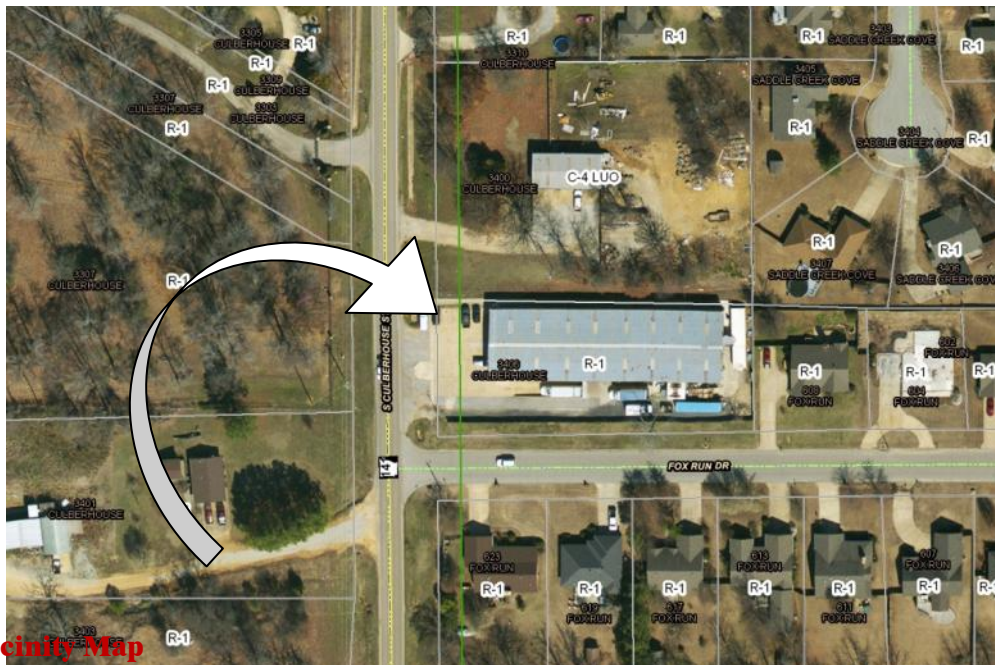
- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it 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 Southwest Sector and to be recommended as a Single Family-Low Density.

Master Street Plan/Transportation:

S. Culberhouse Street is a (Proposed Minor Arterial- 120 ft. min.). It is currently two lanes in width, but has been capable of accommodating this limited amount of traffic generated by this development. The City has S. Culberhouse Street on the list for improvement to a wider street, capable of accommodating more traffic than at present, though a firm date for the improvements has yet to be decided and announced.



Zoning/Vicinity Map

MAPC Record of Proceedings: Meeting 5/10/10

Applicant:

Christie Jordan, Executive Director of Food Bank of NEA presented the case. We are requesting that the property be rezoned to match the current use of the facility.

Staff:

Mr. Spriggs noted that regarding the history of the property, this is a non-conforming use. The applicant attempted to match that use with our available Zoning classifications and C-4 LUO appears to be the most appropriate. Staff has listed the proposed right of ways from the Master Street Plan- Culberhouse, as well as Fox Run. Those right of ways would have to be coordinated if the property is ever redeveloped.

We have listed 5 conditions that would address the issues and assure that the residential character of the neighborhood is maintained in terms of what is abutting the property. The following staff recommended conditions were read:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

Mr. Tomlinson:

The owner lists several uses that they want permitted in this area in the case for rezoning. The uses listed are uses to be permitted in the C-4 District. I don't think we should rezone the property with the indication that we could continue the property as a warehousing function. With the next business, we would have no guarantee that they would be as nice of a neighbor that you have been through all the years.

There is a substantial difference between a charitable operation and a commercial operation where they are going after the dollar. I believe it should be rezoned to C-4, but I think there should be a clear rezoning to C-4 with no implied permitted uses that are not allowed by ordinance.

Mr. Tomlinson concluded- I would think there are some permitted uses within the C-4 that I would like to exclude in that zone such as: service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general.

Ms. Jordan: In speaking with some of our neighbors, they would agree with you and so would we. That is not our intent.

Mr. Tomlinson: Culberhouse is the main street to one of the largest city parks in the state of Arkansas. It is the main street to a lot of good/fine subdivisions. I think we should protect the tranquility of that area as a C-4 LUO, Neighborhood Commercial. I will add that under your C-4 there are 35 permitted uses in the table. I am only excluding about 6 or 7. There are 22 permitted uses, and 12 or 13 that can be permitted under a conditional use. I am not oppose to the rezoning, there should be a clean-cut proposal as C-4 and what goes there in the future needs to comply with C-4 to protect the integrity of the existing neighborhood. And, thank you for being a good neighbor.

Mr. Johnny White: Based on the staff stipulations, when someone puts another use to this property and it is sold, is it not true that that use will come back here before the MAPC?

Mr. Spriggs: That is correct, and I can understand the concerns of Mr. Tomlinson. With the uses that were provided by the applicant, I think the only use that was questionable was warehousing and distribution. Speaking for the applicant, they attempted to classify the uses to something that would be parallel to the current use. You may need to rephrase that to be some form of passive storage similar to what is taking place now on the property. Mr. Tomlinson concurred.

Mr. Tomlinson commented also on equipment repair, and construction office and storage. The storage must be incidental to the general office use. This will be ok.

Ms. Jordan: We are currently a warehouse and distribution center facility.

Mr. Halsey: But you are a not-for-profit.

Mr. Kelton: But it is also a nonconforming use. What is the square-footage? Ms. Jordan: It is approximately 12,000 s.f.

Mr. Kelton stated that it would not be in compliance with the C-4 District. Mr. Halsey stated that it would comply with the new commercial standards.

Mr. Tomlinson: The master street plan right of ways are unclear on the plat. Mr. Spriggs noted that with any new redevelopment those right of ways would have to be coordinated. Parking may be a challenge.

Mr. Spriggs reminded that the future uses would be evaluated by MAPC in the future. High volume parking uses would be discouraged.

Mr. White: When this comes back, can we exclude uses when it comes for site plan. Can we do that?

Mr. Spriggs replied yes, but please be specific in your motion. He gave a sample motion:

MAPC recommends approval to the City Council for a change from R-1 to C-4 L.U.O., Neighborhood Commercial, excluding: service station, convenience store, carwash, restaurant fast and general, animal care general and vehicular repair limited and general, and that any future

use shall be equal or less intense than the current use of the property; with the following conditions:

1. That future C-4 Neighborhood Commercial uses of the site shall satisfy all requirements of the City Engineer, Building and Fire Inspections, and the Planning and Zoning Department.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment to address vehicular access management and proper consistency with neighborhood scale.
3. Fencing /screening shall remain along the entire the perimeter of the proposed site and maintained.
4. A lighting photometrics shall remain at current or lower levels to assure no lighting spillage onto abutting properties.
5. Any additional signage details shall also be submitted as part of the building permit application.

Mr. White made a motion to approve as noted above; seconded by Mr. Tomlinson.

Roll Call: Mr. Kelton- Aye; Mr. Scurlock- Aye; Ms. Norris- Aye; Mr. Tomlinson-Aye; Mr. White- Aye. Approved 5 to 0.

Findings:

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to C-4 Neighborhood Commercial District.

Staff recommends a limited use overlay consideration for the subject site, so that some restraints can be placed to protect single family properties remaining. This building has existed for over 18 years as a nonconforming use, and staff has not received any complaints since the Food Bank has been in operation (originally 1993). Additionally there is a commercial enterprise just north of the subject site conducting pool sales and construction.

Furthermore, an orderly growth is necessary for this area which currently lacks necessary road improvements. Overflow parking needs to be address for employees and volunteers as the pictures of the site demonstrate a need for additional spaces.

MAPC is urged to revise the request to a limited use overlay for neighborhood commercial with stipulations at the concurrence of the applicant. Any future uses should be considered and approved by the MAPC, so that low volume required parking uses can be encouraged, due to the lack of available parking areas. High volume retail and restaurant uses should be discouraged. Time of operation should be considered due to proximity to neighboring homes. Truck delivery needs should be evaluated at that time as well, due to current/problematic traffic flow interference.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Food Bank of NEA should be evaluated based on the above observations and criteria for Case RZ 11-11, a request to rezone property from R-1 & to C-4 L.U.O. It is important to Staff that all the issues cited above are addressed by the applicant and that further details be provided during the site plan approval process in the future to the MAPC.

MAPC recommends approval to the City Council for a change from R-1 to C-4 L.U.O., Neighborhood Commercial, shall exclude service station, convenience store, carwash, restaurant

fast and general, animal care general and vehicular repair limited and general, and that any future use shall be equal or less intense than the current use of the property; with the following conditions:

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Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking East along S. Culberhouse.



View looking South along S. Culberhouse.



View looking East at the intersection of S.Culberhouse and Fox Run.



View looking Northeast along S.Culberhouse (from abutting property frontage).



View looking West along Fox Run (subject property frontage).



View looking North of rear abutting property (Fox Run).



View Looking South at subject property (frontage).



View Looking North at subject property (frontage).



View looking Northeast along S. Culberhouse.