

*City of Jonesboro City Council*  
**Staff Report – RZ 16-04: 5915 E. Johnson Avenue Rezoning**  
 Municipal Center - 300 S. Church St.  
*For Consideration by the Council on May 3, 2016*

**REQUEST:** To consider a rezoning of one tract of land containing .96 acres more or less.

**PURPOSE:** A request to consider recommendation to Council for a rezoning from R-1 Single-Family Residential District to a C- 3 General Commercial District, LUO.

**APPLICANTS/ OWNER:** Marsha Bradley, 5917 E. Johnson Ave., Jonesboro, AR 72401

**LOCATION:** 5915 E. Johnson Avenue South side of street between Darrick Lane and Whitley Rd

**SITE DESCRIPTION:** **Tract Size:** Approx. 0.96 Acres  
**Street Frontage:** 115.0 Total along E. Johnson Ave.  
**Topography:** Predominately Flat  
**Existing Development:** Vacant lot.

**SURROUNDING CONDITIONS:**

ZONE	LAND USE
North I-1	Industrial, Church, Vacant Land
South R-1	Residential, Single-Family
East I-1	Industrial, Light Manufacturing
West R-1	Residential, Single-Family

**HISTORY:** None

**ZONING ANALYSIS:**

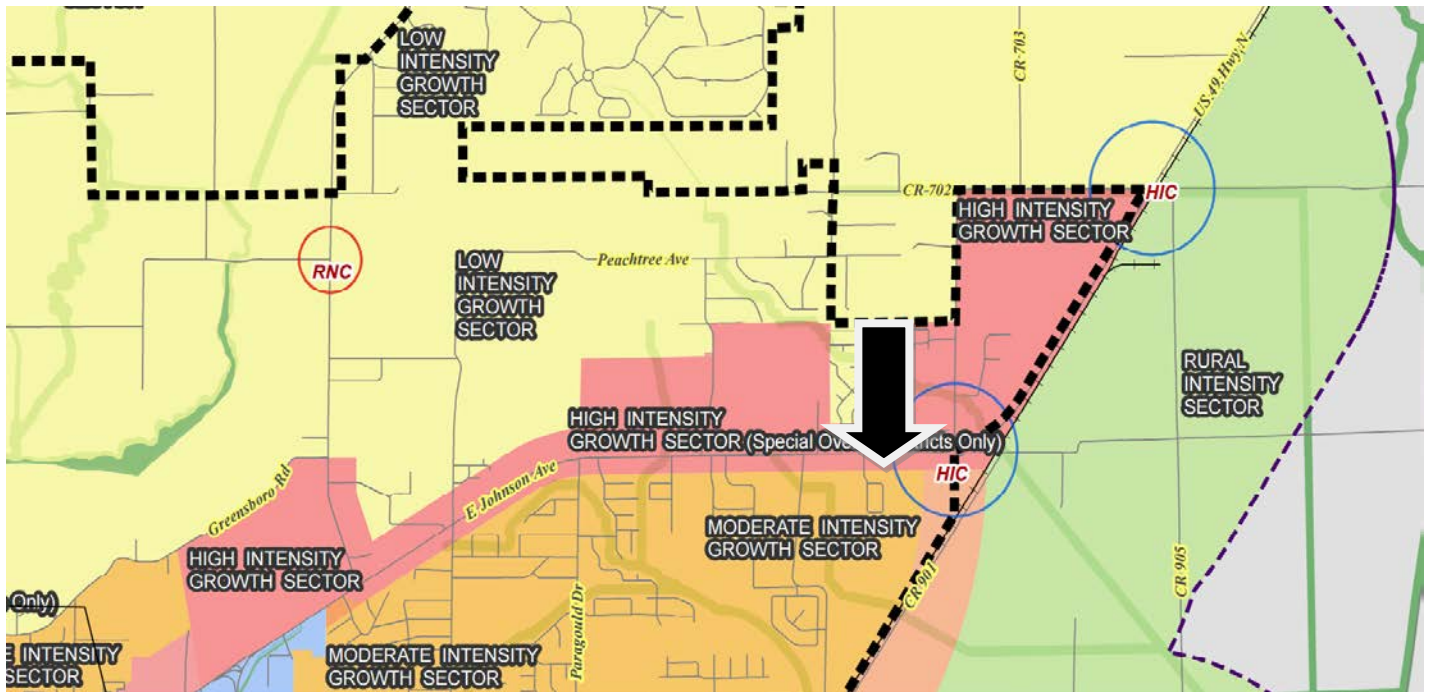
*City Planning Staff has reviewed the proposed Zone Change and offers the following findings:*

**COMPREHENSIVE PLAN LAND USE MAP:**

The Current/Future Land Use Map recommends this location as a High Intensity Growth Sector (Special Overall District Only). Unless a Limited Use Overlay District is requested and agreed on by the applicant(s), no conditions by the Commission or Council can be placed on a successful rezoning. With a suggested Limited Use Overlay, the MAPC will be afforded an opportunity to gain more detailed information that will give assurance of a well-designed infill development that will enhance the area.

**High Intensity Recommended Use Types Include:**

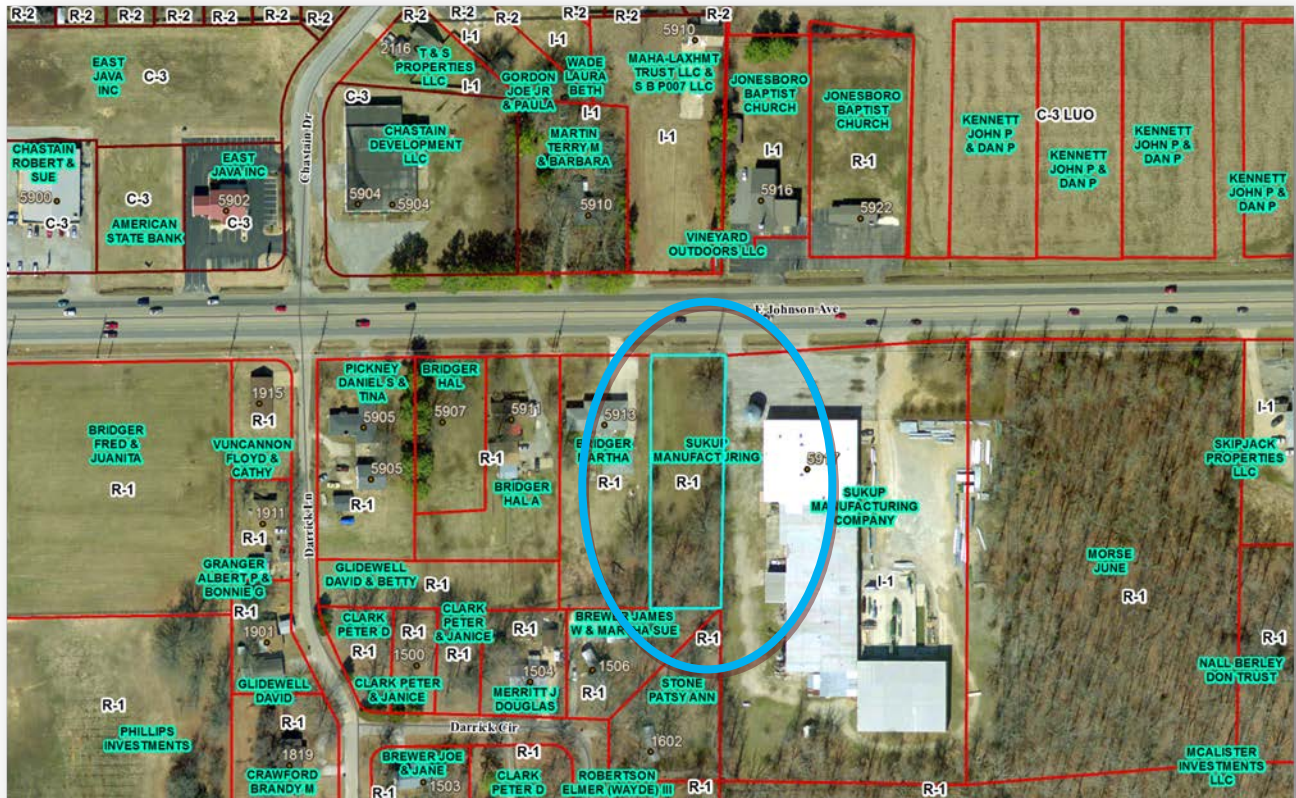
- *Regional Shopping Centers*
- *Automotive Dealerships*
- *Outdoor Display Retail*
- *Fast Food Restaurants*
- *Multi-Family*
- *Service Stations*
- *Commercial and Office*
- *Call Centers*
- *Research and Development*
- *Medical*
- *Banks*
- *Big Box Commercial*
- *Hotel*



***Land Use Map***

## Master Street Plan/Transportation

The subject property is served by East Johnson Ave. This road is classified on the Master Street Plan as a proposed Principal Arterial. The applicant will be required to adhere to the Master Street Plan recommendations.



**Aerial/Zoning Map**

## 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 list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a High Intensity Growth Sector (Special Overall District Only) – pending the applicants request and approval for a special overall for this district or limited use overlay district.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all C-3 District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering there are already businesses located in this area. Not suitable for Residential uses.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Without the proposed zoning map amendment, applicant will not be able to develop land for commercial use.	
(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;	No detrimental or adverse impacts are predicted, if proper assess management controls are implemented, buffering and screening for adjacent residential, and limitation of incompatible uses to residential.	
(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	The property has been vacant for several years now.	
(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	No detrimental or adverse impacts are predicted, if proper assess management controls are implemented, buffering and screening for adjacent residential, and limitation of incompatible uses to residential.	

The Applicant specified the prohibited us as adult entertainment for site. Note that staff has expanded the list of questionable uses due to abutting residential.

**Staff Findings:**

**Applicant's Purpose**

The proposed area is currently classified as an R-1 Single-family residential zone. Located at 5915 East Johnson Avenue between Darrick Land and Whitley Road, this area already has some commercial and industrial development. This location would make a great place for another business. The applicant wants this area rezoned for additional commercial development.

Rezoning this property is consistent with the *Jonesboro Comprehensive Land Use Plan*. Rezoning makes sense considering there are already commercial businesses located in the area. Under the current zoning classification, it would be illegal for the applicant to develop this property for commercial businesses. As far as we know, this property has always been vacant. Rezoning this property would positively impact the community, especially in terms of curb appeal. Applicant is not sure at this time when development would start.

**Chapter 117 of the City Code of Ordinances/Zoning defines C-3/General Commercial Districts as follows:**

Definition of C-3 General Commercial Districts - The purpose of a C-3 district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial streets. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

**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>	No issues were reported.	
<b>Streets/Sanitation</b>	No issues were reported.	
<b>Police</b>	No issues were reported.	
<b>Fire Department</b>	No issues were reported.	
<b>MPO</b>	No issues were reported.	
<b>Jets</b>	No issues were reported.	
<b>Utility Companies</b>	No issues were reported.	

**Zoning Code Allowable Uses:**

The City of Jonesboro Zoning Resolution includes a list of permitted uses within C-3 Districts as follows (Note the highlighted uses in yellow are suggested to be prohibited due to adverse impacts on the residential area.) However, some uses will be prohibited by default, due to the site size. Certain commercial uses are permitted as of right - “P”, while others require a Conditional Use - “C” approval by the MAPC, or not permitted where blank within the Zoning Ordinance Chapter 117:

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
	Warehouse, residential (mini) storage	Conditional		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			
	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			

**MAPC RECORD OF PROCEEDINGS: Public Hearing Held on April 26, 2016:**

**Mike McNeese - Applicant:** Mike McNeese representing Sukup Manufacturing Co. I'm with Ridge Surveying and Consulting, would like to request R-1 to C-3 LUO.

**Lonnie Roberts:** Ok I'll open this up to City Planning - Comments?

**Michael - Engineering:** Is this going to include in the Replat that you are talking about doing with the other pieces of property?

**Mike McNeese - Applicant:** Yes, this is west of that piece of property.

**Michael - Engineering:** I didn't know if you were going to include this.

**Mike McNeese - Applicant:** No, we didn't entertain that idea - common line was just to the east line of this.

**Michael - Engineering:** The other is zoned I-2.

**Jonathan - Planning:** Going to hit highlights - The applicant is asking to change the R-1 Single Family Residential District to a C-3 LUO. It is an area that is surround by Industrial and Residential development. We find that it is in conjunction with our future land use plan and it is recommended as a High Intensity Sector. So it goes along with all that and he will have to adhered to all recommendations of the Master Street Plan as well. Other than that we don't see any issues with this.

**Lonnie Roberts:** Ok as far as recommending the conditions --

**Jonathan - Planning:** We added these recommend conditions:

**Conclusion:**

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ: 16-05 a request to rezone property from "R-1" to "C-3 LUO"; the following conditions are recommended:

1. Applicant must adhere to all utility and rail corridor easements of record.
2. 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.
3. 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.
4. The following uses shall be prohibited:
  - Carwashes
  - Adult Entertainment
  - Recreational Vehicle Park
  - Service Station
  - Sign, off-premises
  - Vehicle repair, general
  - Vehicle repair, limited

- Freight Terminal

**Lonnie Roberts:** Anything to add to that?

**Michael - Engineering:** Nothing I can think of.

**Lonnie Roberts:** Anyone in the audience here regarding this rezoning case?

**Public Input:** None

**Lonnie Roberts:** Now I will refer to Commissioners with questions. Any questions or comments?

**Jerry Reece:** I will move for the approval with the Conditions that are recommended and approved by Staff.

**Lonnie Roberts:** I have a motion for approval do I hear a second?

**Kevin Bailey:** Second

**Lonnie Roberts:** Ms. McGaha will you call roll please?

**Paul Hoelscher:** Can I ask a question please?

**Lonnie Roberts:** Ok Mr. Hoelscher

**Paul Hoelscher:** Is the adjacent properties zoned residential?

**Mike McNeese - Applicant:** To the west that is on the market for sale now - yes. You are probably going to see him here in the near future.

**Paul Hoelscher:** Will we not be required if it stays residential to provide some kind of privacy fence or separation between the differently zoned properties?

**Lonnie Roberts:** Number three on the recommendations which is referring to the final site plan, which has to be submitted to us and it will have to meet the landscaping and fencing requirements at that time for abutting residential. Thank you. Any other concerns or questions? Motion in the second on the floor. Ms. McGaha would you call roll.

**Commission Auction:**

Mr. Reece mad a motion to approve Case: RZ 16-05, as submitted, to the City Council with the noted conditions, and the MAPC find that to rezone property from "R-1" Single Family to "C-3" L.U.O. General Commercial , Limited Use Overlay will be compatible and suitable with the zoning, uses, and character of the surrounding area. Motion was seconded by Mr. Bailey.

**Roll Call Vote:** 8-0, Unanimous Approval.



Mr. Scurlock- Aye; Mr. Kelton- Aye; Mr. Stripling- Aye; Mr. Cooper- Aye; Mr. Reece- Aye; Mr. Hoelscher- Aye; Mr. Perkins- Aye; Mr. Bailey- Aye; Lonnie Roberts, Jr. was chair.

**Conclusion:**

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ: 16-05 a request to rezone property from “R-1” to “C-3”; the following conditions are recommended:

5. Applicant must adhere to all utility and rail corridor easements of record.
6. 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.
7. 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.
8. The following uses shall be prohibited:
  - Carwashes
  - Adult Entertainment
  - Recreational Vehicle Park
  - Service Station
  - Sign, off-premises
  - Vehicle repair, general
  - Vehicle repair, limited
  - Freight Terminal

Respectfully Submitted for Planning Commission Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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**Sample Motion:**

I move that we place Case: RZ-16-5 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from “R-1” Single Family to “C-3”, L.U.O., General Commercial Landscaping Business, Limited Use Overlay will be compatible and suitable with the zoning, uses, and character of the surrounding area.



View looking North across E. Johnson Ave.



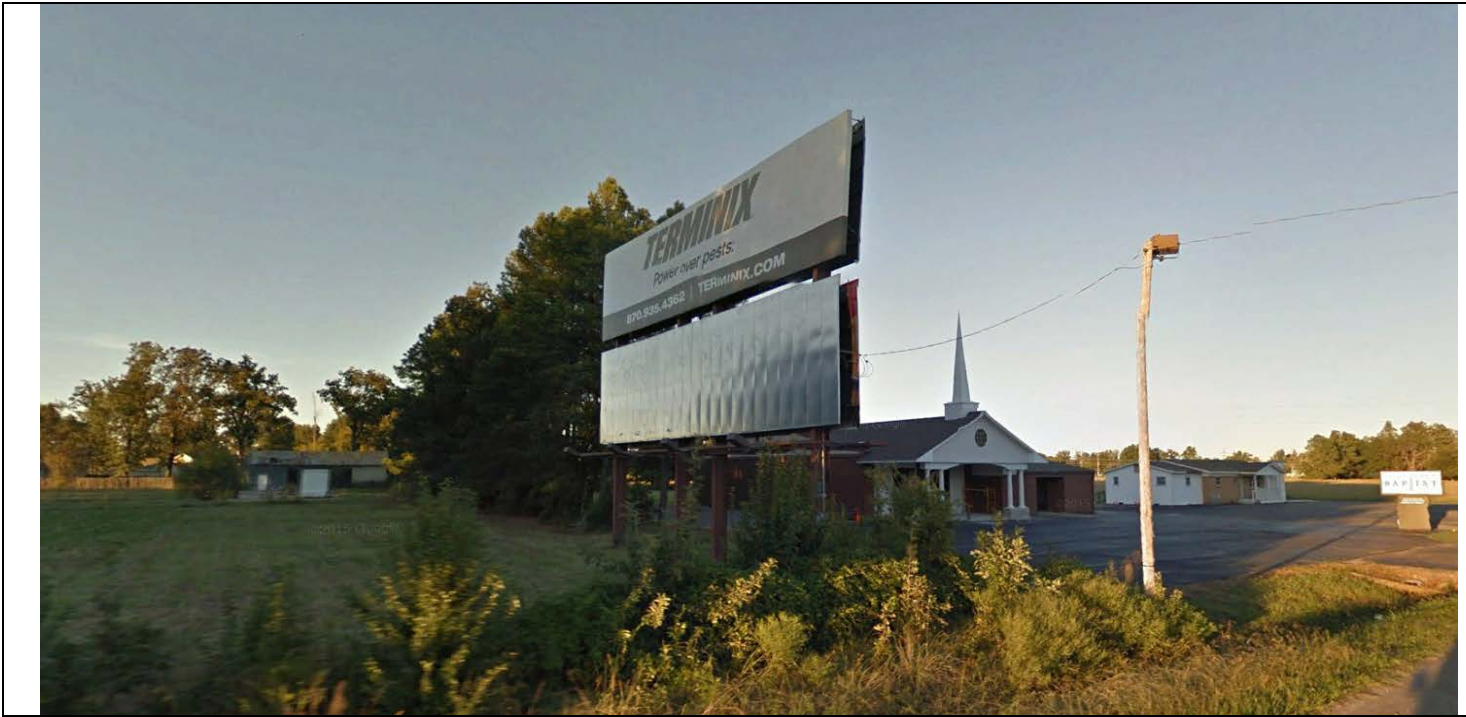
View Looking East on E. Johnson Ave.



View looking South Toward Site



View looking West along E. Johnson Ave.



View looking Northeast toward church across the street