



City of Jonesboro City Council
Staff Report – RZ 11-25: Phillips Investments- Airport Rd.
Huntington Building - 900 W. Monroe
For Consideration by the Council on November 15, 2011

REQUEST: To consider a rezoning of a parcel of property containing approximately 1.02 acres more or less from R-1 Single Family Residential to C-3 General Commercial and make recommendation to City Council.

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

APPLICANT/ OWNER: Phillips Investments & Construction, Inc., P.O. Box 19298, Jonesboro AR

LOCATION: 1705/1709 Airport Rd., Jonesboro, AR (Corner of E. Johnson Ave. /Hwy. 49N)

SITE DESCRIPTION: Tract Size: Approx. 1.02 +/- acres, 44,624 Sq. ft. +/-
 Frontage: Approx. 234 ft. along Airport Rd.
 Topography: Predominantly Flat.
 Existing Development. 2 single family homes surrounded by vacant commercial.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial
South:	R-1	Residential
East:	R-1	Residential
West:	C-3	Commercial

HISTORY: None.

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

Approval Criteria- Section 117-34- 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 Northwest Sector and to be recommended as a Single Family Residential. Currently the City is updating the Comprehensive Plan, which is predicted to be adopted by April 2012. Consistency is not achieved, however the change can be justified if constraints are placed on the subject tracts of land limiting the site area only to storm water detention or greenspace or openspace associated with the principal future uses on the adjacent C-3 tracts. This area is at a major Commercial node intersection and has been consistently redeveloped as commercial along Johnson Ave.



Zoning/Vicinity Map

Master Street Plan

The property is located along Airport Road which is recommended as a Minor Arterial street on the adopted Master Street Plan from its current status. While a 120 ft. - R.O.W. is recommended, a 30 ft.

right of way easement is denoted on the submitted rezoning plat. Engineering has reported that no future needs to expand the right of way width of Airport Rd. at this site are necessary.

Findings:

The proposal will result in the existing R-1 Single Family Residentially zoned property to be rezoned to C-3 General Commercial District. This site currently serves as an entry way into a single family neighborhood. The applicant has noted in the application that the land will be used solely to provide an storm water detention/impoundment area for the existing C-3 property currently owned by the same, and to provide for a buffer area for the residential area to the south of the property.

The applicant is proposing to consolidate the 2 lots within the larger tract for future development. Staff feels that the proposal can be achieved without causing any negative impact on the surrounding area. Controls can be placed on the petition that will require final site plan to be submitted to the Planning Commission to assure that the subject tracts are preserved for the use intended.

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

Applicant: Applicant's Agent, Mr. Carlos Wood: Noted that the owner is here and we are asking for rezoning for 2 lots that were purchased, to an existing large C-3 tract.

Mr. Wood: We want to do the development as one lot. These 2 lots are residential homes on the southeast corner. The Planning Department is requiring all of the property to be in the same zoning classification. We proposed to create an area for detention for the entire site.

Staff: Mr. Spriggs gave the Staff Summary. Noting the vast amount of commercial along the principle arterial. It is not typical in land use planning to have major commercial at major intersections with no transitional area to separate it from a single family residential area. With that said, to utilize the tracts of property primarily for storm water drainage detention would add to justification for changing the land use. Consistency is not achieved however it is justified. The C-3 portion currently existing can be developed as such without this petition; however, the plan will address the drainage problems in the immediate site area.

Under the proposed layout, the access complies with good access management in terms of approximation from a signalized intersection. Mr. Spriggs noted the 20 ft. buffer is listed in the conditions in conjunction with required fencing.

In terms of the Master Street Plan, the property is located along Airport Road which is recommended as a Minor Arterial street on the adopted Master Street Plan from its current status. While a 120 ft. - R.O.W. is recommended, a 30 ft. right of way easement is denoted on the submitted rezoning plat. Engineering has reported that no future needs to expand the right of way width of Airport Rd. at this site are necessary, therefore the R.O.W. can be adjusted to 80 ft. to achieve any future widening of the intersection. The applicant noted a wish to donate an additional 10 ft. of R.O.W.

In terms of the C-3 General Commercial request the MAPC may include a stipulation that a site plan be submitted before you. Staff feels confident that we can assure the development will proceed as promised.

Mr. Wood asked if the developer could receive a grading plan approval under staff review; if issues then it could go before the MAPC.

Mr. Spriggs if recommended to City Council for approval and the process is completed, you can do that.

Public Input:

Mr. Jimmy Ashley, 1701 Airport Rd.: Stated that he is right next door to the lot on the south on Airport Rd. He abuts it right next door and is already having a drainage problem. Mr. Phillips developed Bills Fresh Market and didn't not do everything he was suppose to do. He was suppose to put up fencing and berms and none of that ever happened. Now he is saying he's going to do this and that. The City doesn't hold him to it. We are opposed to him rezoning it; if he puts the detention pond in where he has built it up so high, where is all the water and rain going. He can say that he will do that but the ditch is already eroding away. If he wants to do the one lot, that is fine. I am against the rezoning.

Stacey Schratz, 3104 Maplewood Terrace: She noted that she concurs with Mr. Ashley. We have a privacy fence along the existing ditch where his commercial is there; and it is eroding away and will go under our fence. We have lived there for 17 years. Why would you approve C-3 General when it is going more into our residential area. They will say why can't we get more C-3 General. It is just way too close. I've been before City Council before. There was a certificate of occupancy issued before things got done. It doesn't need to be general commercial.

Barry Phillips, Phillips Investments and Construction: As Mr. Ashley mentioned he said that the area floods. We will put the detention there and we are trying to help the property and not trying to cause it to be worse. She doesn't want commercial to go out there but she has a culvert running into the ditch which is 5 feet on to me. She wants to drain into the ditch. The property to the south of them is a lot higher and all of that water drains on to them, then to me. He mentioned that they are not taking into consideration the water coming off of Bills Fresh Market and draining it in this pond. Mr. Phillips noted that he has designed this detention larger than required for this site. One of the reason we are doing this is so that detention can be done, and to square the property up. We are willing to do the fence and do it on our property line. We will do some pine trees to keep the noise down that might go into the neighborhood. We have no tenants yet to lease with; we are talking to some people but no confirmations have been made. We are preparing the site for future development and are going to take care of the water problems. On the north side of Highway 49 there is redevelopment; so we will end up with more water for across the street.

Mr. White clarified that all we are considering tonight is the rezoning; we will address specific details under the site plan approval.

Mr. Ashley: If he didn't think he could get this done, why did he purchase the lots. Make him put it in black and white what he's going to do.

Ms. Phyllis Hankins, 3108 Maple wood: She lives in the house at the end of the streets next to the C-3 LUO. When Mr. Phillips was building Bill's Market, I had numerous occasions when I had problems from him. After they got through building the market; I visited Council and he promised faithfully a lot of things and he never did them. The buffer never occurred. She still has problems with drainage coming off of the Bill's Market.

Inaudible comments were made regarding the Bill's Market problems.

Mr. Spriggs asked the chair if we could restrict the comments to this case and not Bill's Market. The Bill's Market case was a separate issue. We had no Stormwater Regulations at that time; now we do. The MAPC can tie the site plan to the Limited Use Overlay. Any conditions of approval will be implemented, built and inspected per the site plan process. The site plan details will be adhered to and all of concerns raised will be addressed and coordinated.

Mr. Kelton asked questions concerning the soil and the detention. Mr. Carlos explained that the design will control the release of the water under Airport Rd. through a culvert and will drain to the east. It is relatively flat in that area. It rises towards Highway 49 and drains towards the east toward Airport Rd.

Mr. Kelton: Is there anyway drainage problems could occur?

Mr. Carlos Wood: not unless something blocked the culvert under the road.

Mr. Ashley: When we get a lot off of water off of Airport Road; if he puts in the detention it will have to be built up. Where will that water go? He has to build it up. The water runs off of Airport Rd. and Maple Wood Terrace. I've seen water in the yard next to mine.

Mr. Roberts: Reiterated the drainage in the past had no regulations. Mr. Wood we will enlarge the area so the elevation of the water spreads out and reach an elevation that will not exceed or overtop Airport Rd. The city will review and make sure we do it according to the standards.

Stacey Schratz: If you are going to rezoning it please make it where he has to develop these to lots in conjunction with the existing C-3 as a limited use overlay, that it not be general commercial.

Mr. Roberts: We need to discuss Mr. Wood's request regarding the grading permit though the City Staff.

Mr. Spriggs: Mr. Spriggs noted that the acreage if platted into one lot has to be on zoning classification. You would have the liberty to deny any site plan that does not comply with the intent here.

Mr. Tomlinson asked if the concept site plan reflect compliance with the Master Street Plan. Mr. Wood noted that the owner concurs that the additional 10 ft. will be added when it is replatted into one lot. Mr. Kelton asked if the City Engineer has been consulted concerning this? Yes. And his comments concerning the R.O.W. and access have been addressed; the storm water design will have to comply with the code.

Mr. Spriggs: Mr. Wood can you clarify whether you intend to submit the drainage plan at the same time of your request for a grading plan? Will the detention pond be designed at the same time? Mr. Carlos added that it is required that both be submitted at the same time.

Commission's Action:

Mr. White made a motion to place Case: RZ-11-25 on the floor consideration and for the recommendation to City Council for a rezoning from R-1 Single Family to C-3, subject to the following conditions noted by Staff:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the final replat be submitted before the issuance of a building permit.
3. That a final site plan shall be presented to the MAPC for final approval including details on lighting, landscaping, parking/loading, and signage, perimeter fencing/ to the South.

Motion was seconded by Mr. Scurlock.

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 as submitted by Phillips Investments Construction, Inc., Case RZ 11-25, C-3 should be approved by the City Council for rezoning with the stipulations above in the record of proceedings.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking Northeast of abutting property frontage along Johnson Ave.



View looking North of adjacent property.



View looking South of subject prop



View looking South toward subject property (Johnson/Airport Rd intersection).



View looking North along Pleasant Grove Rd.



View looking West of subject property (1709 Airport Rd.)



View looking West of subject property (1705 Airport Rd.)



View looking West of subject property (drainage ditch abutting).