



City of Jonesboro City Council
Staff Report – RZ08-13: Roberts Rezoning- Johnson Avenue
Huntington Building - 900 W. Monroe
For Consideration by the Council on Tuesday, June 17, 2008

REQUEST: To consider rezoning a parcel of property containing approximately 1.01 acres more or less.

PURPOSE: A request for rezoning from R-1 Residential to C-3 Limited Use. (Modified to C-4 LUO)

APPLICANT/ OWNER: June Roberts and Pearl Roberts, Jonesboro, AR

LOCATION: 4115 East Johnson Avenue (a.k.a Highway 49)

SITE Tract Size: Approx. 1.01 acres

DESCRIPTION: Frontage: Approx. 216.32’ on Johnson Avenue
 Topography: Flat

Existing Dvlpmt: Relatively flat, gently sloping to the east (2 homes on one parcel)

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

HISTORY: NONE

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Thoroughfare Commercial. This sector is currently under update/study by the Land Use Advisory Committee. This general area will most likely remain in the category of Thoroughfare Commercial.

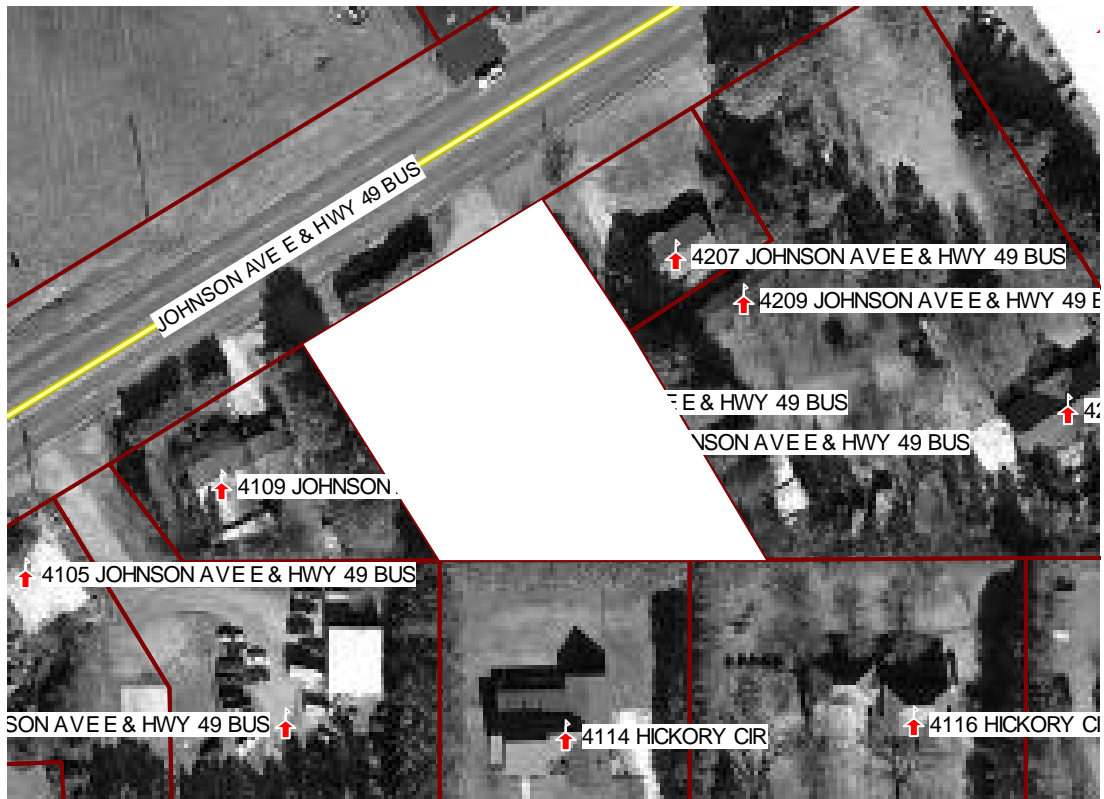
Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

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.



AERIAL VIEW SHOWING PROPERTY LOCATION

Findings:

The applicant has proposed to rezone the subject site to a “C-3” General Commercial Zoning District with a limited use overlay and submitted list of uses. In analyzing the request staff and MAPC concluded that the intended use of the property would be better served under the C-4 Neighborhood Commercial District to avoid spot zoning and also to provide a transitional district to the adjacent residential properties.

The submitted list of uses is below:

PERMITTED USES:

Animal Care, General
Animal Care, Limited
Automated Teller Machine
Bank or Financial Institution
Bed and Breakfast
Construction Sales and Service
Day Care, Limited
Day Care, General
Funeral Home
Government Service
Hotel or Motel
Library
Medical Service / Office
Office, General
Parking Lot, Commercial
Parks and Recreation
Post Office
Recreation / Entertainment, Indoor
Retail / Service
Safety Services
Museum
School / Elementary, Middle, High
Sign / Off Premise
Utility, Major
Utility, Minor
Research Services

PROHIBITED USES:

Auditorium or Stadium
Car Wash
Cemetery
Church
College or University
Communication Tower
Convenience Store
Entertainment, Adult
Golf Course
Hospital
Nursing Home
Pawn Shop
Recreation / Entertainment, Outdoor
Recreational Vehicle Park
Restaurant, Fast-Food
Restaurant, General
Service Station
Vehicle and Equipment Sales
Vehicle Repair, General
Vehicle Repair, Limited
Vocational School
Warehouse, Residential (mini) Storage
Agricultural, Animal
Agricultural, Farmers Market
Freight Terminal

MAPC RECORD OF PROCEEDINGS:

The Metropolitan Area Planning Commission held a public hearing on June 10, 2008 and offers the following record:

George Hamman presented the case on behalf of the applicant. He concurred with the Staff recommended modification to C-4 L.U.O.

Mr. Spriggs stated that staff felt that with the abutting C-3 uses and abutting residential, concerns for buffering should be considered to preserve the residential character. Staff had also concerns that the application called for uses that were more in the nature of C-4 permitted uses. The proposed list complied with C-4 with the exception of retail. Mr. Tomlinson asked should the MAPC eliminate the prohibited list submitted. Staff concurred.

A motion was made by Joe Tomlinson with the conditions: That it be C4 Limited Use Overlay with the uses stated in the findings, with a 25 ft. landscape buffer where abutting residential properties on the area adjoining Hickory Heights Subdivision, and on each side with a fence, and recommend that the site plan be reviewed and approved by the MAPC, seconded by Lonnie Roberts Jr., that this matter be recommended to Council . The motion carried by a (6 to 0) vote (Mr. Halsey abstained).

Conclusion:

The MAPC and the Planning Department Staff find that the requested zone change submitted by June Roberts and Pearl Roberts should be evaluated based on the above observations and criteria in making recommendation to the City Council as **C-4 Neighborhood Commercial District** limited uses overlay with the following conditions: That the proposed permitted uses shall be allowed as stated in the findings, with a 25 ft. landscape buffer where abutting residential properties on the area adjoining Hickory Heights Subdivision, and on each side with a fence, and that the site plan be reviewed and approved by the MAPC.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking Northeast along Johnson Ave.



View looking north from site



View looking west along frontage on Johnson



View looking property site looking south



View looking from site looking east