

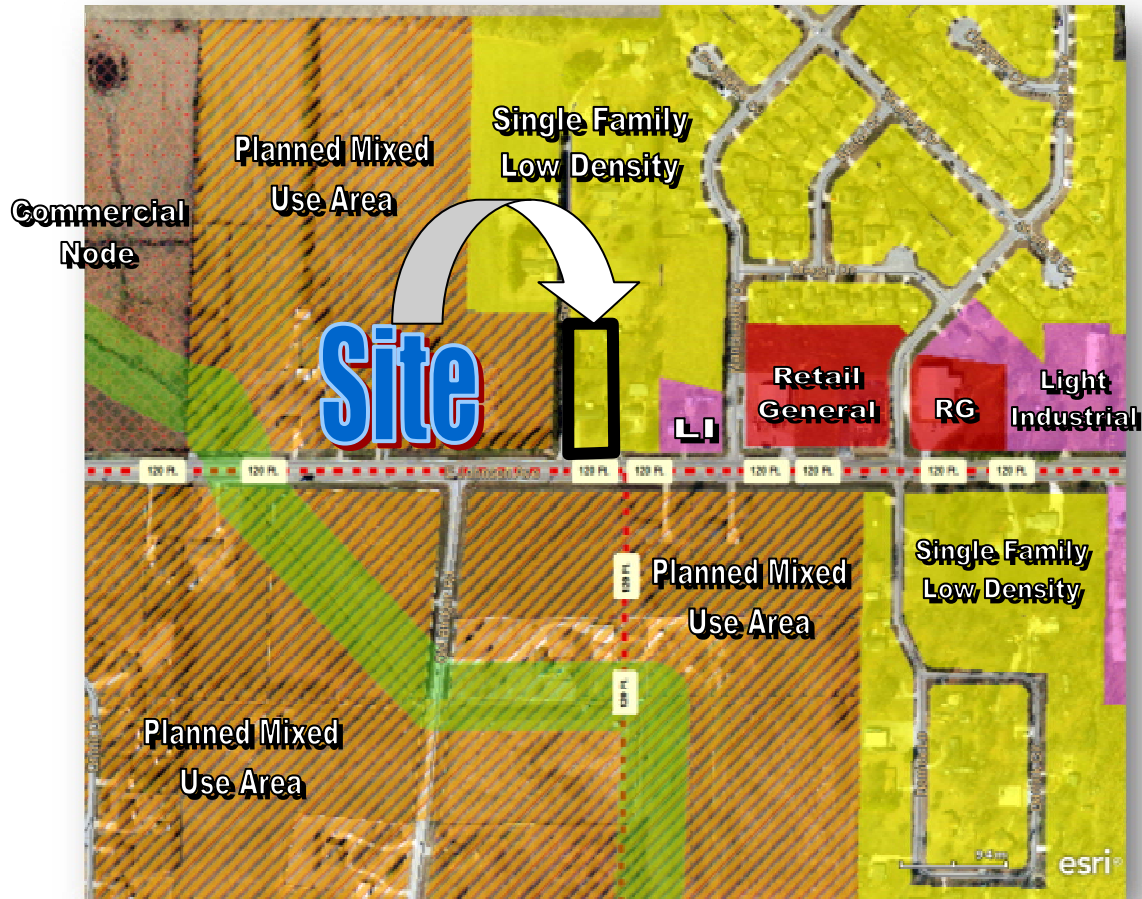


City of Jonesboro City Council
Staff Report – RZ 13-16: Rezoning – 5710 E. Johnson Ave. & Greenway Lane
Municipal Center – 300 S. Church
For Consideration by the Commission on September 17, 2013

- REQUEST:** MAPC rezoning approval for a parcel of land currently zoned R-1 Single Family Medium Density to a proposed C-3 General Commercial District, L.U.O.
- LOCATION:** 5710 East Johnson Ave. and 2006 Greenway Lane at northeast corner of the East Johnson Ave. and Greenway Lane intersection.
- APPLICANT:** Haag Brown Commercial Real Estate, 2915 Browns Ln., Jonesboro, AR
- OWNER:** Lowell French and Steve Prestidge, 2006 Greenway Lane, Jonesboro, AR
- PURPOSE:** Applicant states that “The property is adjoining a large future commercial development and has commercial zoning on both sides”.
- HISTORY:** The property is two parcels that have been used for two residences.
- SITE DESCRIPTION:** **Tract Size:** Approximately 1.03 acres/44,967 sq. ft.
Frontage: Approximately 125 ft. along East Johnson Ave. and 363.87 ft. along Greenway Lane.

SURROUNDING ZONING, PRESENT LAND USE, & FUTURE LAND USE:

	<u>ZONING & PRESENT LAND USE</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Single Family Medium Density Two Residences	Single Family Low Density
North of Property:	R-1 Single Family Medium Density Residence	Single Family Low Density
East of Property:	C-3 Limited Use Overlay District Two Residences	Single Family Low Density
West of Property:	C-3 Limited Use Overlay District Undeveloped Field	Planned Mixed Use Area
Southeast of Property:	R-1 Single Family Medium Density Residence/	Planned Mixed Use Area
Southwest of Property:	C-3 Limited Use Overlay District Undeveloped Field	Planned Mixed Use Area



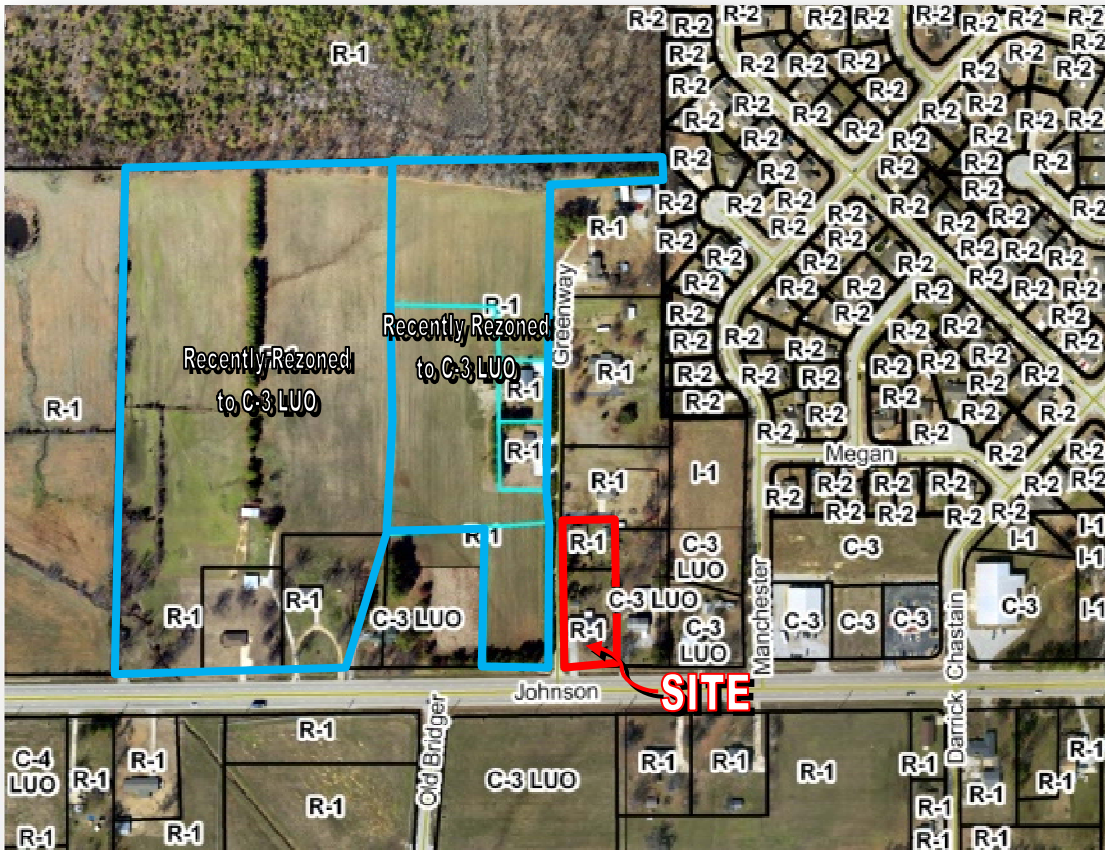
Adopted Future Land Use Plan

Approval Criteria Checklist- 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 list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 General Commercial rezoning is inconsistent with the Future Land Use Plan. The site is planned as Single Family Low Density.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible. Although the majority of the surrounding property is zoned R-1 or has a current residential use, a transition of the zoning and land use is occurring toward commercial uses along the East Johnson Ave. corridor.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Poor suitability due to commercial development restrictions associated with the current R-1 zoning. Land is not suitable for Residential living.

(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;	The nearby properties are zoned C-3 L.U.O. and R-1. Any potential detrimental effects to nearby property that are not addressed by “Residential Compatibility Standards” or other ordinance could be reduced with additional restrictions and conditions imposed through a L.U.O.
(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	Property has not remained vacant with the current R-1 zoning.
(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	Minimal impact.



Vicinity Zoning Map

Master Street Plan/Transportation

The subject property is served by East Johnson Ave. and Greenway Lane. East Johnson Ave. is classified on the master street plan as a principal arterial which requires a minimum 120 ft. right-of-way (60 ft. to road centerline). The right-of-way dedication shown on the rezoning plat is the required 60 ft. from the road centerline. Greenway Lane is a private drive located within a 29.65 ft. ingress/egress easement.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Received	Noted no objection. Commented on easements and right of ways.
Streets/Sanitation	Received	Noted no objection
Police	Pending	No comments to date
Fire Department	Received	Noted no objection
MPO	Received	Noted no objection
Jets	Received	Noted no objection
Utility Companies	Received	Noted no objection. Sewer Utilities are pending review.

The applicant has proposed a C-3 General Commercial District rezoning. With the limited information there are a number of uses allowed by C-3 that would bring concern of compatibility such as:

- Adult Entertainment
- Off-Premises Advertisement

The open-ended possible uses may result in community or neighborhood resistance due to the unknown of impacts for property that could remain residential for some time. The only means of addressing these uses, if contingent upon the applicant’s desire to modify the request as a Limited Use Overlay, and by discouraging undesirable uses while giving attention to compatibility on others. Consideration for revising the application to a Limited Use Overlay is advised. Access management and coordination should be a priority during the site plan review stage which should be approved by the MAPC.

MAPC RECORD OF PROCEEDINGS- PUBLIC HEARING HELD SEPT. 10, 2013

Applicant: Mr. Josh Brown of Haag/Brown appeared before the Commission for the rezoning request, to change the property from R-1 to C-3 General Commercial. Mr. Brown made observation of the previous case: The movie theater that adjoins the property, and stated that the success of the cinema project will be contingent upon them gaining sewer access. Mr. Spriggs explained that the sewer line connection would have to be coordinated with CWL, and it is not under any City controls. Mr. Brown explained that there are two homes adjacent to Greenway Lane. He noted that his client/owner of the subject rezoning would like to remain in their home until such time the property is sold and ready for redevelopment.

Mr. Spriggs stated that the Commission may stipulate a sunset clause *that the residents could continue dwelling in the residence for a period of 3 years or until such time the property is sold for redevelopment*. If an extension is needed, the owners may appear before the Commission to request an extension of time. The Commission agreed.

Staff: Mr. Spriggs gave Staff comments noting the surrounding conditions and the adjacency of the two (2) recent rezonings to C-3 L.U.O. that occurred last month to the West and Northwest of the subject site. Mr. Spriggs noted that the Current Land Use Map recommends Single Family for the subject site; however Staff supports a recommendation to Council for consideration of a map revision to address this gap in the plan, as some form of commercial along a major highway/arterial. The Master Street Plan will have to be complied with (E. Johnson is a major arterial). No further comments were made by the Engineering Staff. And no objections were received from the agencies nor departments during the Pre-Development meeting held previously.

Public: No public input or opposition appeared.

Commission Action:

Mr. Scurlock made a motion to place Case: RZ-13-16 on the floor for recommendation by MAPC to the City Council with the noted stipulations and that changing the zoning of this property from R-1 Single Family Medium Density to the proposed C-3, L.U.O., General Commercial District is compatible and suitable with the zoning, uses, and character of the surrounding area. Motion was seconded by Mr. Tomlinson.

Roll Call Vote: 5-0 unanimously.

Ms. Shrantz- Aye; Mr. Dover- Aye, Mr. Tomlinson-Aye, Mr. Scurlock- Aye; Ms. Nix- Aye.
Absent were: Mr. Kelton, Mr. Reece, Mr. Hoelscher (Ms. Nix arrived later). Mr. Lonnie Roberts, Jr., Chair.

Conclusion:

The MAPC and the Planning Department Staff find that the request to rezone the property from “R-1 Single Family Medium Density to a proposed C-3 General Commercial District (LUO- General Commercial)” submitted for Case RZ 13-16 should be evaluated and approved based on the above observations and criteria. The following are included in the requirements that will apply:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. Coordination is required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
5. Prohibited uses shall include: Adult Entertainment and Off-Premises Advertisement.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



Residence located on southern portion of site at 5710 East Johnson Ave.



Residence located on northern portion of site at 2006 Greenway Lane.



View of adjacent property located to the west of site. Zoned C-3 LUO.



Residence located north of site at 2010 Greenway Lane. Zoned R-1.



Undeveloped property located southwest of site. Zoned C-3 LUO.



Residence located southeast of site. Zoned R-1.



One of two residences located east of site. Zoned C-3 LUO



One of two residences located east of site. Zoned C-3 LUO