



City of Jonesboro City Council
Staff Report – RZ 12-01: Larry Higgins 2612 E. Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council on March 6, 2012

REQUEST: To consider a rezoning of a parcel of land containing 0.86 acres more or less

PURPOSE: A request to consider a recommendation from MAPC to Council for a rezoning from R-6 L.U.O. Residential Multi-Family District to “CR-1” Commercial Residential.

APPLICANT Larry Higgins 1477 Lee 314 Marianna AR 72360

OWNER: SAME

LOCATION: 2612 E. Johnson Ave

SITE DESCRIPTION: Tract Size: Approx. 0.86 acres/37,461.6 sq. ft.
 Frontage: Approx. 176.2’ +/- Johnson Ave.
 Topography: Gently sloping
 Existing Development: Single Family Home

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	R-1	Residential (ASU)
East:	C-5	Commercial (St. Bernards)
West:	C-3 L.U.O.	Commercial (Undeveloped)

HISTORY: The site was rezoned to R-6 Limited Use Overlay in 2005. Development of the fourplex units has begin in the rear of the property.

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Multi-Family. The proposed rezoning is partially consistent with the land use map; however the map only demonstrates the parcel for multi-family, the applicant’s request for mixed use development along Johnson Ave. has merit because it is situated between two commercial uses and it is in close proximity to a Commercial Node. A revision in the land use map to mixed use could be deemed justifiable in this instance.

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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Johnson Ave. which is an arterial road. The rezoning plat demonstrates the established right of way. Driveway access drives shall be submitted and coordinated with the City of Jonesboro Engineering /Arkansas State Highway Departments for approval.

Zoning compliance:

The applicant is requesting a change to a CR-1, lofts on the upper level and retail on the ground floor. Currently the site consisted of the single family structure and 46 apartments. The applicant has presented a 2 level loft/retail layouts for consideration that will have an attractive character and will blend in with the character of the area. Immediately north of the site is a low density multi-family development, St. Bernards Behavioral Facility to the east, as well as a C-3 L.U.O. vacant parcel to the west. Planning Department records provides the following information on the property:

Under Ordinance, ORD-05:229, the approved R-6 LU-O District in Section 1 shall limit the use of the tract (property) as follows:

(A) The number of dwelling units to be constructed on the tract shall be limited to a maximum number of forty-six (46), PASSED and APPROVED on the 7th day of June, 2005.

Under Chapter 116, Sec. 117-139, *CR-1, commercial residence mixed use districts are clarified.* The CR-1, commercial residence mixed use districts are classified as a transitional zoning classification for mixed-use type developments. It allows a commercial development, with a residential appearance, and professional uses to be completed in areas between existing commercial more of a retail nature, and single-family residential. By definition it represents transition. Therefore, the logical conclusion would be that a transitional use, such as quadraplexes shall be permitted in this district with commercial below or coordinated to blend or relate. Site plan review shall be subject to planning commission review and administrative approval upon commission recommendation.

Staff recommends a modification to the request, to a CR-1 Limited Use Overlay (L.U.O.), with a maximum 4 residential units mixed with commercial per structure. This will allow for the lot to be more comparable and will accommodate the proposed commercial/residential structure, having side yards averaging 10 ft. The requested 10 lofts above commercial, prior to the MAPC hearing, did not appear to be consistent with the original R-6 L.U.O. District and the subject property area available for redevelopment (0.86 acres/37,461.6 sq. ft.); however, the applicant has now reduced the total number of units to bring the request into compliance.

Staff expressed concerns with the applicant over parking and site layout that must accommodate 12,000 sq. ft. of commercial space as well as residential. The applicant requested retail space in the application; however, the CR-1 District only allows service oriented/professional offices, daycares, etc. as noted in the allowable use tables within the Code. General Commercial Retail is not permitted. The following list of permitted uses is suggested: Automatic Teller, Worship Use, College/University Uses, Convenience Store, Daycare, Funeral Home, Government Service, Hospital/Medical, Library, Museum, Nursing Home, Post Office, Safety Services, School, and Utility Service.

A site layout for the lot should be submitted to the MAPC in the future, so that driveway/parking access can be evaluated to assure compliance with the minimum and maximum drive width requirements along the right of way. Jonesboro Code of Ordinances, Section 117-324, *Off-street parking and loading*, requires 1.75 parking spaces per 1-bedroom unit. Convenience store requires 1 space per 200 sq. ft.; Day Care: 1 per employee and/or attendant, plus 2 spaces; Office: 1 per 500 sq. ft., etc.; Medical Service: 6 spaces per doctor or dentist, etc.

RECORD OF PROCEEDINGS: MAPC Meeting: February 14, 2012

Applicant: Mr. Carlos Wood, Engineer appeared before the Commission on behalf of Mr. Larry Higgins. Stated that the site is on the North side of East Johnson, adjacent to the St. Bernards Facility. We previously came forward with a rezoning for 46 units as R6 L.U.O. on this parcel. Mr. Higgins has presently built to date, a total of 28 units and he will build a maximum of 34 units. He decided to spread the buildings out and put in more green area; thus reducing the total number of units allowed, and clustering the buildings in the rear.

Mr. Wood: Mr. Higgins wants to use the frontage for commercial and is reducing the number of units in the rear: we are asking for 10 single bedroom units above commercial similar to the downtown district. It slipped my mind that the CR-1 only allows a maximum of four units since it is commercial/residential. We were thinking four units per building.

Mr. Wood: We are hoping to amend the request for 10 units with the proposed commercial to be between 10,000 and 12,000 sq. ft. as opposed to the 15,000 sq. ft. The parking areas will be in the rear using an ingress/egress common entry on the existing driveway on the east, and the existing parking lot on the north. The commercial entrance will be along the frontage and to the west, to avoid intermingling with the residential uses.

Staff: Mr. Spriggs gave staff comments summarizing the report. He gave details from the previous Limited Use Overlay case which limited the applicant to 46 units. The CR-1 District does allow for a mixture of commercial and residential. Ideally this development would be better fitting as a Planned District, but the subject property (0.86 acres) does not meet the minimum acreage threshold requirement. Staff was unaware at the point of application that the applicant hopes to reduce the number of units on the rear acreage. The applicant is also dropping the total building area to address Staff's initial comments on parking requirements.

The allowable uses were discussed. The inclusion of a convenience store is no issue of Staff. This will act as a good mixed use development for student use.

MAPC DELIBERATION:

Chairman Roberts asked for clarification on the number of units. **Mr. Wood** asked for consideration by the MAPC for a barbershop or small retail use because they have some potential lease options.

Mr. Scurlock stated that it seems as though it is a practical change.

Ms. Nix asked if fire trucks can access the property? **Mr. Wood** noted that the parking access drives are all 24 ft. wide. **Mr. Higgins:** We had to install a fire hydrant at the request of the fire department to avoid stopping traffic on the south of the highway.

Mr. Michael Morris asked for clarification on the parking lot access being separate. **Mr. Wood** stated that he did not want to mix the two uses. He noted that if the MAPC wants to connect the two, his client would do that. We can demonstrate that on the site plan.

Mr. Hoelscher asked if they submitted a Planned District request, would they have to come back before the MAPC? **Mr. Spriggs** stated that they would come before the MAPC with a Final Development Plan. The Planned District request would have to be a re-application. **Mr. Wood** clarified that there will be 3 separate commercial buildings; which was not clarified with the application. The typical graphic was displayed; and the setbacks can be complied with, as well as the maximum of 4 units above. **Mr. Spriggs** noted that this would satisfy the standards of the CR-1 District Regulations, and the 10 units will now be in compliance.

Ms. Nix again stressed her concerns for the fire safety access. **Mr. Morris** clarified that the State Fire code only requires a separate entrance when you have more than 200 units.

Mr. Hoelscher commented that he prefers that a mixed use development does not wall off the uses. This is the spirit and intent of mixed uses. There will have to be common egress/ingress easements.

Mr. Hoelscher asked will they need a variance to utilize parking on a separate lot?

Mr. Spriggs: This can be handled under the cross-access/ shared parking provisions in the code.

Mr. Wood agreed that the entrance issues will be demonstrated on a future site plan to be reviewed and approved by the MAPC.

Mr. Scurlock made a motion that we place Case: RZ-12-01 on the floor for consideration and for recommendation to City Council for a rezoning from R-6 L.U.O. Single Family District to “CR-1” L.U.O. subject to conditions 1-4. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area. Motion was seconded by **Mr. Kelton**.

Roll Call Vote:

Mr. Scurlock- Aye; Mr. Kelton- Aye; Ms. Nix- Nay; Mr. Hoelscher- Aye; Mr. Tomlinson- Aye. Chairman Roberts- Aye. 5-0 Vote Approval.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Larry Higgins, should be evaluated based on the above observations and criteria, of Case RZ 12-01, a request to rezone property from “R-6” to CR-1 L.U.O. A revision to CR-1 L.U.O. for 4 1-bedroom lofts above a Commercial Use, is hereby recommended for approval by the MAPC with the following conditions:

1. Maximum number of residential units shall be limited to 4, 1-bedroom loft units; at a grand total of 10 units maximum.
2. Access driveways shall satisfy city standards and be coordinated with the appropriate reviewing agencies City/State for approval.
3. A final site plan shall be required to be reviewed and approved by the MAPC and shall include final details on setbacks, drainage, grading, access management, signage, lighting photometrics, landscaping including privacy fences in the rear yards, and all site improvements approved by this petition.
4. The following list of permitted uses are only allowed to be mixed with the 4 loft units: Automatic Teller, Worship Use, College/University Uses, Convenience Store, Daycare, Funeral Home, Government Service, Hospital/Medical, Library, Museum, Nursing Home, Post Office, Safety Services, School, and Utility Service, Beauty Salon/Barber Shop.

Respectfully Submitted for Council Consideration,



Site Photographs



View looking North towards site along E. Johnson Ave.



View looking Southwest of proposed site frontage (E. Johnson Ave).



View looking East along E. Johnson Ave. (St. Bernards Behavioral Center in rear).



View looking South of ASU Football Stadium.



View looking South from rear of Higgins property Lot 2.



View looking West between two apartment complexes.



View looking North new apartments of vacant lots.



View looking Southwest of dwelling to be razed.



View looking North of proposed development's location.