

City of Jonesboro City Council
Staff Report – RZ 13-17: Rezoning – 4200 East Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council 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: 4200 East Johnson Ave. between Airport Rd. and Paragould Dr.

APPLICANT: Haag Brown Commercial

OWNER: Prospect Missionary Baptist Church

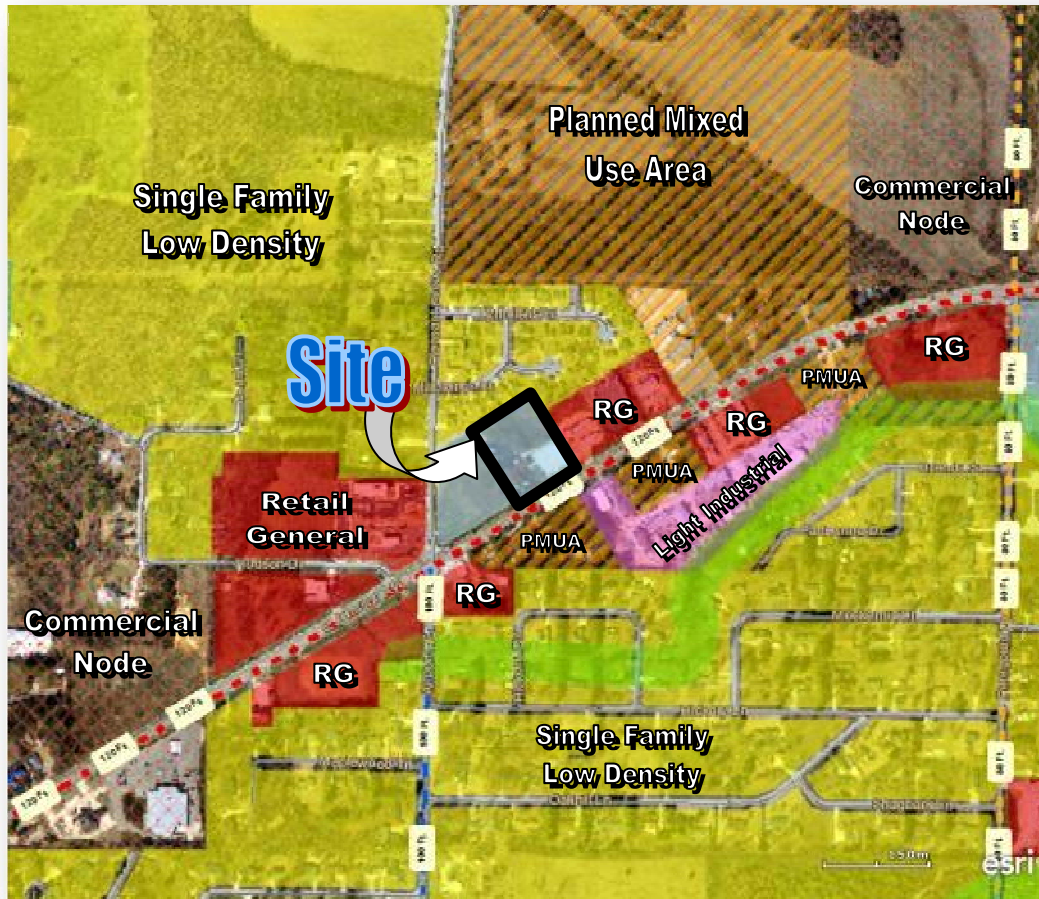
PURPOSE: Applicant states that “The property is currently under contract with a local business. This contract is contingent upon rezoning of the subject property”.

HISTORY: The church purchased the property in 2001. A rezoning for a change to C-3, was heard by the MAPC on November 17, 2009, but was later withdrawn.

SITE DESCRIPTION: **Tract Size:** Approximately 3.08 acres/134,143.6 sq. ft.
Frontage: Approximately 327 ft. along East Johnson Ave.

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 Church	Public-Semipublic and Institutional
North of Property:	R-1 Single Family Medium Density Residential Neighborhood	Single Family Low Density
East of Property:	C-3 General Commercial District Car Wash	Retail-General
West of Property:	C-3 General Commercial District Fast Food Restaurant	Public-Semipublic and Institutional
South of Property:	R-1 Single Family Medium Density Residence	Planned Mixed Use Area
Southeast of Property:	I-1 Limited Industrial District Electrical and Mechanical Contractor	Industry-Light
Southwest of Property:	C-3 Limited Use Overlay District Restaurant	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 Public-Semipublic and Institutional.
(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. 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.

(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 properties to the east and west are zoned C-3. Any potential detrimental effects to the R-1 properties located to the north 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.
(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. which 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 amount of right-of-way dedication is not shown on the rezoning plat.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Received	Noted no objection
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.

Staff Findings

The subject site is located on Johnson Ave. just northeast of Airport Rd. and south of residences on Millbranch Lane. The area is predominately commercial with residential abutting in the rear. The applicant has requested a C-3 Rezoning for the said property; this would allow any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

The minimal size of the subject parcel will limit the location and type of commercial use. A privacy fence/buffer and lighting plan should be required to demonstrate compliance with the zoning ordinance as it relates to compatibility standards. This will allow for controls and assurance that the abutting residential will be properly screened. This parcel is the last designated R-1 property along Johnson Ave. in this immediate area and the C-3 zoning would be consistent with surrounding properties. Please note that any stipulations would necessitate a Limited Use Overlay.

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 noted that the location is west of the last case, proceeding west on Johnson towards the University. He noted that Prospect Missionary Baptist Church had appeared previously and attempted to rezone the property, but later made other plans.

Staff: Mr. Spriggs gave Staff comments noting the surrounding conditions Mr. Spriggs noted that the Current Land Use Map recommends *Public/Semi-Public Institutional* because of the Church use; however Staff supports a recommendation to Council for consideration of a map revision to address to demand for commercial along the major highway/arterial. The Master Street Plan will have to be complied with (E. Johnson is a major arterial). Staff feels that the site plan to come later, will address good access management as it relates to Pleasant Grove Rd.

Mr. Spriggs noted to the Commission and the applicant that in order to limit the permitted use lists and avoid undesirable uses, a Limited Use Overlay revision is highly recommended. The applicant agreed.

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-13-17 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, L.U.O. General Commercial District” submitted for Case RZ 13-17 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 prior to any development of the property.
3. Coordination 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.
6. The applicant agrees to satisfy the minimum required right-of-way dedication for East Johnson Ave.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



Subject site located at 4200 East Johnson Ave.



Residential neighborhood located north of site. Zoned R-1.



Property located east of site. Zoned C-3.



Property located southeast of site. Zoned I-1



Residences located south of site. Zoned R-1.



Property located west of site. Zoned C-3.



Property located southwest of site. Zoned C-3 LUO.