



City of Jonesboro City Council
Staff Report – RZ 11-29: David Onstead 4500 E. Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council on April 17, 2012

REQUEST: To consider a rezoning of a parcel of land containing 1.42 acres more or less

PURPOSE: A request to consider recommendation to Council for a rezoning from R-1 Single Family District to “C-3” L.U.O. , General Commercial/Restaurant

APPLICANT OWNER: David Onstead P.O. Box 19068 Jonesboro, AR 72403
 Just To Do It Investments LLC. Jonesboro, AR 72403

LOCATION: 4500 E. Johnson Ave., Jonesboro, AR

SITE DESCRIPTION: Tract Size: Approx. +/- 1.42 Acres 61,941.8 sq.ft.
 Frontage: Approx. 318.6’ +/- Johnson Ave.
 Topography: Flat
 Existing Developmt.: Home/Shop Building

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

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 Current/Future Land Use Map recommends this location as Planned Mixed Use Area. The proposed rezoning is consistent with the land use map, and is part of an area that is in major transition, and one that serves as a Growth Node near the new NEA Baptist Memorial Hospital.

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 E. Johnson Ave./Hwy. 49 N which is a State highway and major arterial. The right of way width is not depicted on the Rezoning Plat. Staff does not anticipate additional right of way is needed for the proposed project.

Zoning Compliance:

The applicant is proposing the construction of a Subway restaurant along with an 8,750 s.f. building served by two entrances off of Hwy. 49 N. with shared/cross access. A schematic layout is submitted for consideration. However, some buffering and screening is needed for the remaining single family residence to the west of the site.

In order to facilitate any buffering, or any conditions imposed by the MAPC, a Limited Use Overlay is needed to be added to this request.

RECORD OF PROCEEDINGS: MAPC PUBLIC HEARING HELD April 10, 2012:

Applicant: Mr. Carlos Wood presented on behalf of the applicant- David Onstead. The site is approximately 1000 ft. west of the new hospital area.

Mr. Spriggs: The request is consistent with the adopted Land Use Plan for Planned Mixed Use Area. The plan is in compliance with the Master Street Plan for the major arterial- Hwy. 49 North. The applicant is proposing the construction of a Subway restaurant along with an 8,750 s.f. building served by two entrances off of Hwy. 49 N. with shared/cross access. A schematic layout is submitted for consideration; the plan shows the cross access. However, some buffering and screening is needed for the remaining single family residence to the west of the site.

Mr. Spriggs: In order to facilitate any buffering, or any conditions imposed by the MAPC, a Limited Use Overlay is recommended and needed to be added to this request.

The Planning Department Staff finds that the requested Zone Change submitted by David Onstead, should be modified as C-3 General Commercial/Restaurant (L.U.O.), and is recommended for approval to the MAPC.

Mr. Tomlinson: Are we addressing the Subway Restaurant? What is the 8,750 SF building going to be? Mr. Wood: We do not know at this time.

Mr. Tomlinson referred to a recent case across Johnson Ave, near this site where the MAPC recommended a shared entrance and cross access easement. We have enough cuts into Johnson Ave. This is important. He also referred to the Prospect Baptist Church case. If you get your Zoning approved, please consider cross easement to take care of this.

Mr. Wood stated that they do not have a problem with that. Do we need to take that easement to the east and west line? Mr. Tomlinson stated that the property to the West would be easier.

Public Input: None present.

Mr. Spriggs: Noted that concerning cross-easements, Staff has experienced difficulty with them. In some instances this can hold a new owner hostage of a requirement that may cause liability issues or hazardous traffic issues. For example, a high retail use could be adjacent to a use that has no relationship or need for cross access. In those cases, the two uses may not have any commonality. The example of Stevens, Inc. was given. Staff recommended that the Commission considers these on a case-by-case basis, during site plan review.

The recommended conditions were read as follows:

1. Access driveways shall satisfy city standards and be coordinated with the appropriate reviewing agencies for approval.
2. 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 fence to the west, and all site improvements approved by this petition.
3. Off-premise advertisement shall be prohibited on the subject site.

Mr. Scurlock made a motion to approved as presented with the conditions and made recommendation to City Council: Motion was Seconded by Ms. Norris.

Roll Call Vote: Scurlock- Aye; Hoelscher- Aye; Kelton- Aye; Dover- Aye; Gilmore- Aye; Norris- Aye; Tomlinson- Aye.

7-0 Vote Unanimously approved.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by David Onstead, should be evaluated based on the above observations and criteria, of Case RZ 12-03, a request to rezone property from “R-1” to C-3 General Commercial/Restaurant (L.U.O.) as revised, hereby is recommended unanimously for approval by the MAPC.

The conditions for recommendation of approval shall include the following:

4. Access driveways shall satisfy city standards and be coordinated with the appropriate reviewing agencies for approval.
5. 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 fence to the west, and all site improvements approved by this petition.
6. Off-premise advertisement shall be prohibited on the subject site.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking easterly along Highway 49N



View looking Northwest at property



View looking North at subject property



View looking Northeast



View looking Easterly



View looking Easterly



View looking North