

City of Jonesboro City Council
Staff Report – RZ 12-25: Kennett Rezoning – HWY 49N
Huntington Building - 900 W. Monroe
For Consideration by the Council on January 15, 2013

REQUEST: To consider a rezoning of a parcel of land containing 29.70 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to C-3 - L.U.O. District, with a specifically prohibited list of uses as approved by the MAPC on January 8, 2013 (See Record of Proceeds below).

**APPLICANT/
OWNER:** John Kennett, 420 W. Court St. Paragould, AR 72450

LOCATION: Site is north of Highway 49, and west of Clinton School Road.
Property located between

SITE DESCRIPTION: **Tract Size:** Approx. 1,293,526 S.F. – 29.70 Acres
Frontage: Total of 740.67 feet along Highway 49
Total of 641.92 feet along Clinton School Road
Topography: Predominately flat with little topographic relief, and drains generally to the north, to Bridger Creek. There is existing vegetation along the northern side of the site.
Existing Development: The site is currently under agricultural use.

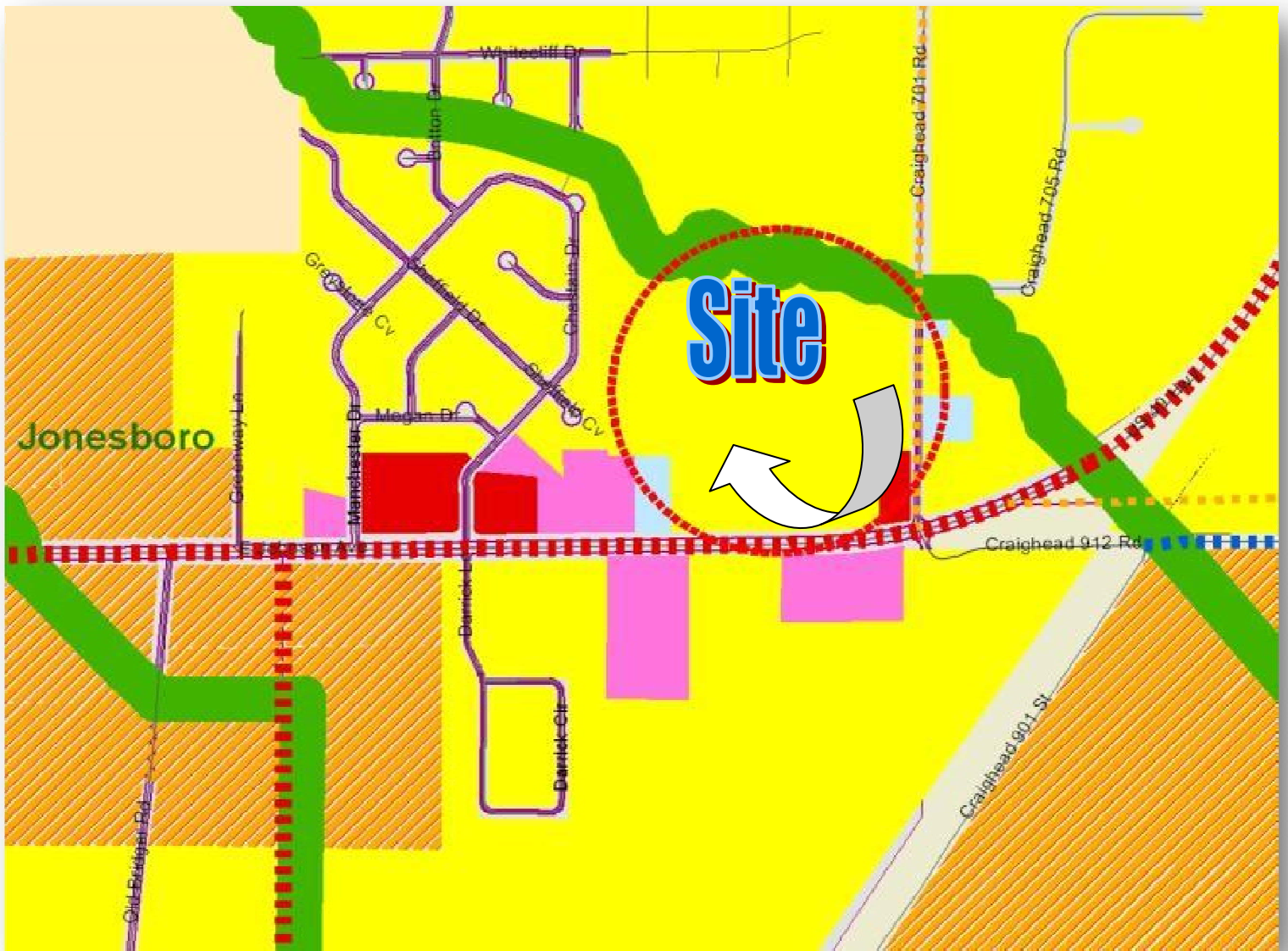
| SURROUNDING CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
|------------------------------------|-------------|-------------------------------------|
| North: | R-1 | Part of Windsor Landing Subdivision |
| South: | R-1 | Industrial Use |
| East: | R-1A | Storage Warehouses |
| West: | R-1, R-3 | Single Family & Existing church |

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 Medium Density Residential. While the Land Use Plan recommends this site for future uses as single family, it is not ideal that the single family uses will be in demand along the Highway 49N frontage, due to expanded commercial growth in the area and along this arterial. The proposed rezoning is not consist with the adopted Land Use map; however, Staff feels that the applicant makes a good argument that the area is conducive for commercial uses along the highway frontage. The existing topography and ditch forms a good natural buffer of where the commercial should end and the residential can be preserved to the north. Consideration for enhanced buffers should occur where residential is to remain.

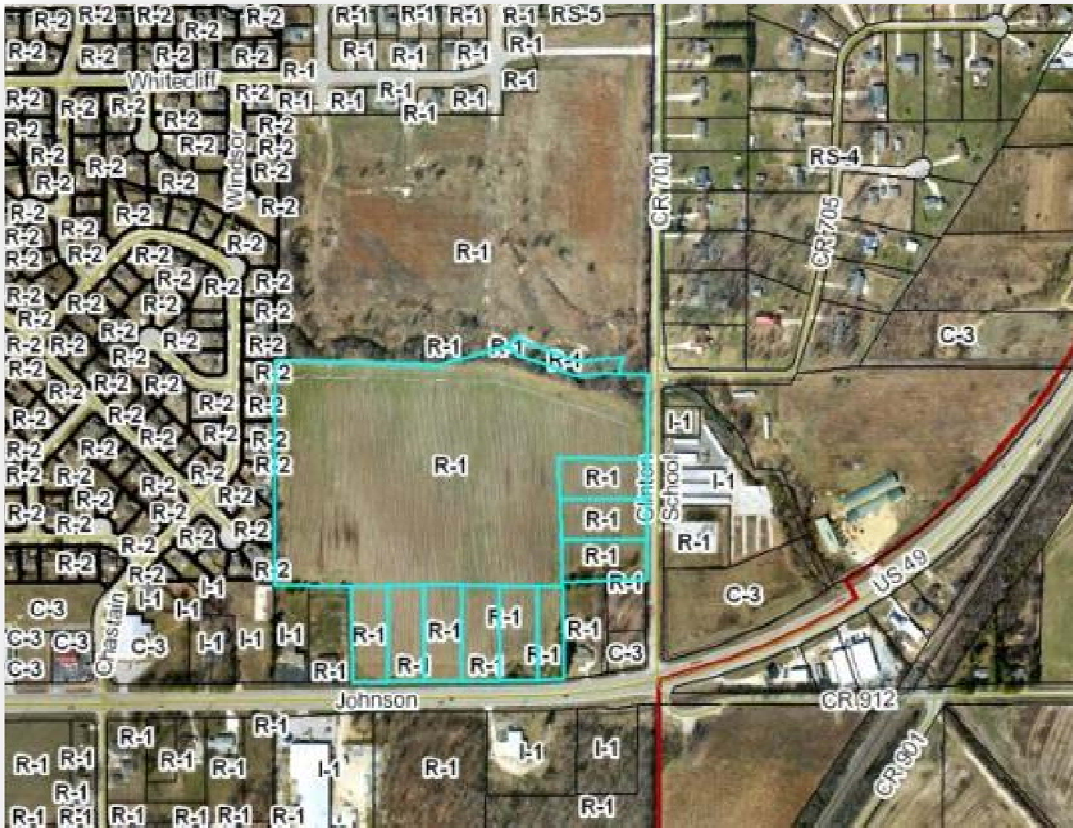


Adopted Land Use Map

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 each and offers explanations and findings as listed in the rezoning checklist below:

| Criteria | Consistent (Yes or No) | Explanation |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| (a) Consistency of the proposal with the Comprehensive Plan | No. | See Land Use Section Above. |
| (b) Consistency of the proposal with the purpose of the zoning ordinance. | Commercial uses exists to the east and west of the site which fronts a major arterial. | Spot Zoning does not apply. |
| (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area; | Commercial uses exists to the east and west of the site which fronts a major arterial. | Service and supportive commercial will prove compatible with the vicinity. |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment; | Not suitable for single family along the highway frontage. | |
| (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 | The existing topography and ditch forms a good natural buffer of where the commercial should end and the residential can be preserved to the north. Consideration for enhanced buffers should occur where residential is to remain. Property has never been developed. | Architectural treatment and site design can address any adverse impact or nuisance issues listed. |
| (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. | Applicant states no major impacts. Access management should be coordinated. | |



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Clinton School Road on the Master Street Plan, which defines the road as a collector, which has a proposed right of way totaling 60 ft., where 80 ft. is required, thus requiring an additional 20 ft. The site is also served by E. Johnson Ave. (HWY 49 N), which is designated as a major arterial requiring 120 ft. right of way, where an existing 55 ft. right of way from center of road is shown. Staff does not anticipate any state widening to occur in the near future along E. Johnson Ave.

According to the County Recorder, the property is also served by two 40 ft. right-of-ways to the south from E. Johnson (Kennett and Everett St.). Depending on future site plan development plans these right-of-ways may require abandonments through the City Council.

Zoning Code Compliance Review:

This requested rezoning is intended to be a Limited Use Overlay (LUO). The applicant requests a zoning classification of C-3 L.U.O., with the proposed prohibited uses being listed below:

- 1) Animal care, general, 2) Animal care, limited, 3) Cemetery, 4) Construction sales and service, 5) Day care, limited (family home), 6) Day care, general, 7) Funeral Home, 8) Nursing Home, 9) Pawn Shop, 10) Golf Course, 11) Recreational Vehicle Park.

All other uses stipulated as allowable or as conditional use will apply to this proposed rezoning petition.

As noted above regarding future site plan development plans, right-of-way abandonments may be necessary through action by the City Council.

Buffering/Screening:

All parking areas shall be screened or buffered. All dumpster locations shall be properly shielded per Section 117-326 of the Jonesboro Code of Ordinances. Perimeter privacy fencing or solid landscaped buffering should be considered to minimize impact on abutting single family residences. Exterior lighting shall be designed to minimize light spilling onto surrounding properties.

| Department/Agency | Reports/ Comments | Status |
|--------------------|------------------------------|---------------------|
| Engineering | No further Comments. | Present at Meeting |
| Streets/Sanitation | No issues with the proposal. | |
| Police | No Comments Received | No comments to date |
| Fire Department | No issues with the proposal. | |
| Utility Companies | No Comments received. | No comments to date |

MAPC Record of Proceedings: Public Hearing held January 8, 2013

Applicant:

Mr. George Hamman presented the rezoning case on behalf of the Applicant. He stated that he prepared the application and plat. He reviewed the staff report and made a few observations. Mr. Hamman agreed with the recommended right-of-way preservation widths along Highway 49N and Clinton School Road. His client is happy to give 40 ft. from centerline on Clinton School Road and agreed with the additional right-of-way needed on Highway 49, to be 60 ft. from the centerline.

Regarding the Staff comments on the two undeveloped streets: 40 ft. right-of-ways to the south from E. Johnson (Kennett and Everett St.), they agree to deal with the platted right-of-ways, though the required abandonment process through the City Council; which would accommodate the overall plan of the site.

Mr. Hamman suggested eliminating Condition No. 2, Future site development plans being required to be reviewed by the MAPC. He suggested staff review only. Concerning buffering plans for the landscaping plan, he requested fencing only.

Mr. Spriggs gave staff summary comments. **Mr. Spriggs**, referring to the adopted Land Use Plan noted that the proposed rezoning is not consistent with the recommended Single Family use along Highway 49 at this location. **Mr. Spriggs** added that when the Land Use Plan was adopted certain changes to the area had not occurred, such as the new hospital construction and the fairgrounds relocation. Such changes would make the suitability for residential along the highway to be highly unlikely. The existing topography and ditch, forms a good natural buffer of where the commercial should end, and the residential can be preserved to the north. Consideration for enhanced buffers should occur where residential is to remain.

Mr. Spriggs continued: The master street plan commitments were discussed by the applicant. The proposal is compatible with the area. The conditions for approval were read. It was requested by that applicant that the site plan not come back to the Planning Commission. Due to the nature of the C-3 uses and accessibility along Highway 49N and traffic and access management concerns, Staff recommends that a site plan is reviewed and approved by the MAPC in the future. The specific prohibited list of uses was read.

Mr. Tomlinson asked that the buffering be addressed where it abuts residential. **Mr. Spriggs** stated that during the site plan review we could consider the buffer implementation. Twenty-five foot buffers (25 ft.) were suggested. **Mr. Tomlinson** asked how many parcels would get replatted. **Mr. Hamman**: Noted 2 parcels.

Public Input:

Mr. Carlos Wood stated that Mr. Chastain has proceed with his expansion of Windsor Landing to the east which is directly above the ditch that buffers this property.

Commission Deliberation:

Mr. Hoelscher asked for clarification on staff's comments that the commercial uses could be limited to the extent of the northern ditch boundary. Is that noted on the Land Use Plan?

Mr. Spriggs stated that it is not covered in the Land Use Plan; however, the comments concerning Windsor Landing make this a mute issue, because the single family is being implemented to the north of this property.

Ms. Nix asked for clarification on the prohibited list of uses as opposed to what would be allowed under the C-3 General Commercial Uses.

Mr. Spriggs read the list as follows: Automated Teller Machine, Bank, Carwash, Church, College, Communication Towers by Conditional Use, Convenience Store, Adult Entertainment, Government Service, Hospital, Hotel, Motel, Library, Medical Service/Office, Office General, Parking Lots, Parks and Recreation, Post Office, Indoor/ Outdoor Entertainment, Fast Food/General Restaurant, Safety Services, General Retail Services, Schools, Service Station, Off Premise Signs, Utility Major or Minor, Vehicular Sales, Vehicle Repair Limited and General Vocational School, Mini Warehouse by Conditional Use, Farmers Market, Agricultural by Conditional Use, and Research Services by Conditional Use.

Mr. Tomlinson stated that Adult Entertainment and Off-premise signage should be prohibited.

Mr. Hoelscher: They have a lot of additional depth compared to the other uses along Highway 49N. He noted concerns on the uses that would adjoin the residential as read. **Mr. Spriggs** added that most of the uses that would be an issue are by conditional use.

After reviewing the aerial map, **Mr. Tomlinson** removed the inclusion of Billboard signs on the prohibited use list. **Mr. Spriggs** stated that one is directly in the vicinity; therefore it is a mute issue. **Mr. Hamman** concurred.

Mr. Kelton made a motion with the stipulations as noted and to place Case: RZ-12-25 on the floor for consideration and for recommendation to City Council for a rezoning from "R-1 to "C-3" General Commercial, L.U.O. District, subject to the Staff conditions. 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. Scurlock**.

THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

- 1) The proposed development shall satisfy all requirements of the City Engineer, including all requirements of the current Stormwater Drainage Design Manual.
- 2) Future Site Development Plans shall be submitted and reviewed by the Metropolitan Area Planning Commission.

- 3) The applicant agrees to comply with the Master Street Plan recommendations for the Clinton School Road and Johnson Avenue right-of-way (i.e. forty feet from center-line of Clinton School Road and sixty feet from center-line of Johnson Avenue).
- 4) Fencing details and landscape plan shall include fencing and a twenty-five foot buffer area between the proposed development and the residential areas to the west and north.
- 5) A lighting photo-metrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting residential properties.
- 6) The following uses shall be prohibited:
 - 1) Animal care, general,
 - 2) Animal care, limited,
 - 3) Cemetery,
 - 4) Construction sales and service,
 - 5) Day care, limited (family home),
 - 6) Day care, general,
 - 7) Funeral Home,
 - 8) Nursing Home,
 - 9) Pawn Shop,
 - 10) Golf Course,
 - 11) Recreational Vehicle Park,
 - 12) Adult Entertainment,
 - 13) Off premises advertising (bill boards),
 - 14) Mini-storage warehouses

Roll Call Vote:

Aye: 7 - Jim Scurlock, Kim Elmore, Joe Tomlinson, Brian Dover, Paul Hoelscher; Ron Kelton, Beverly Nix. Absent was Jerry Reece. Recommended to unanimously to Council with a 7-0 vote.

Conclusion:

The MAPC and the Planning Department Staff finds that the requested Zone Change submitted by John Kennett should be evaluated based on the above observations and criteria, of Case RZ 12-25 noted above, a request to rezone property from “R-1” to “C-3” General Commercial District L.U.O. The above recommended conditions apply.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
 Planning & Zoning Director

Site Photographs



View looking Southeast on Sheffield Dr. (Cul-de-sac) – Windsor Landing Subdivision



View looking East from the intersection of Sundown Lane and Clinton School Road towards site



View looking south on Clinton School Road, Storage units are east of site



View looking south towards the intersection of HWY 49N and Clinton School Road



View looking easterly from Clinton School Rd. towards the Farville curve



View from Clinton School Road, looking West at neighboring property



View from south side of HWY 49 N looking Northwest towards the Site



View looking easterly toward subject site frontage along HWY 49 N



View looking westerly toward subject site (On right) along the frontage of HWY 49 N



View from adjacent property 5922 N. Johnson looking toward site



View looking west from adjacent property located at 5922 N. Johnson



View from adjacent property 5922 N. Johnson looking toward site



View looking west towards the intersection approach of Clinton School Road and HWY 49 N.