

City of Jonesboro City Council
Staff Report – RZ 14-04 Margo/Commerce Rezoning
Municipal Center - 300 S. Church St.
For Consideration by the Council on April 15, 2014

REQUEST: To consider a rezoning of 4 parcels of land containing 1.89 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “AG-1” Agricultural District to “C-3”, L.U.O., General Commercial District, by the MAPC.

**APPLICANTS/
LOCATION/
OWNERS:**

2005 Margo Lane: Mr. Kenneth Berk
2005 Margo Lane
2009 Margo Lane: Mr. Jeffery Johnson
908 Jonathon Drive
2008 Commerce Drive: Rickie Summers
2008 Commerce Drive
2010 Commerce Drive: Ms. Lorrie Beason (Davis)
3230 Windover Garden Circle

**SITE
DESCRIPTION:**

Tract Size: Approx. +/- 1.89 acres (82,328 s.f.)
2005 Margo: 22,035 S.F. = 0.51 Acres
2009 Margo: 22,066 S.F. = 0.51 Acres
2008 Commerce: 18,956 S.F. = 0.44 Acres
2010 Commerce: 18,894 S.F. = 0.43 Acres

Street Frontage (feet):

2005 Margo: 104.95' along Margo Ln.; **2009 Margo:** 104.95' along Margo Ln.
2008 Commerce: 105.47' along Commerce; **2010 Commerce:** 105.00' along Commerce; 179.99' along **Mildred Dr.**

Topography: Flat

Existing Development: Single Family Home; detached storage sheds, storm shelter.

**SURROUNDING
CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial
South:	AG-1	Single-Family Home
East:	AG-1	Single-Family Home
West:	C-3	Single-Family Home

HISTORY:

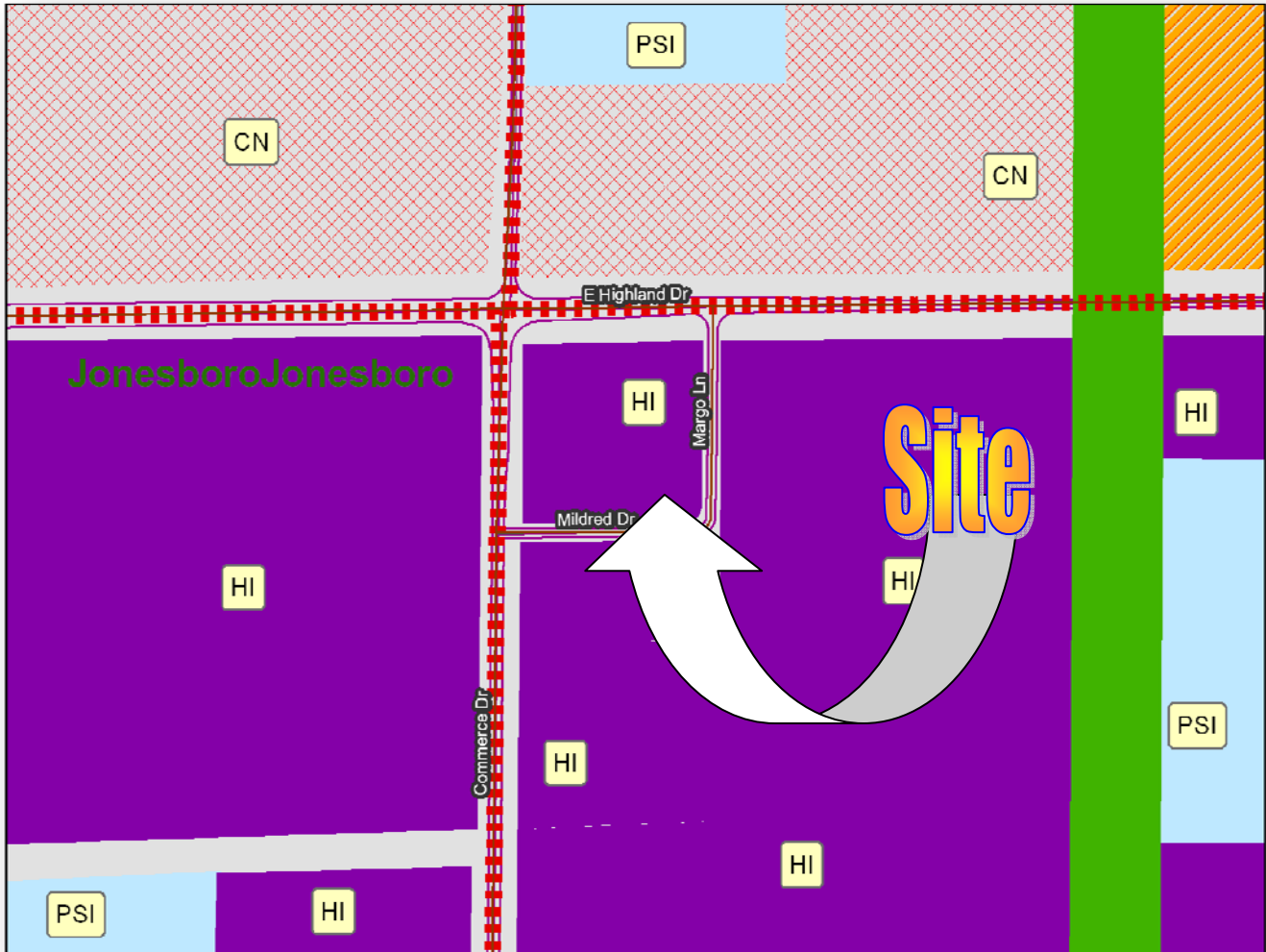
Adjacent property rezoned 4/1/14, under ORD 14:012, for 2001 Margo Lane by Jack Elam. This will better coordinate and make the site more feasible for redevelopment in terms of lot configuration.

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 Heavy Industrial. The proposed rezoning is not as intense as heavy industrial/manufacturing, with the proposed rezoning being General Commercial. This site is just south of a Commercial Node intersection, therefore Staff feels that a coordinated cohesive mixed development may provide for much needed supportive commercial office and service retailing.



Approval Criteria- Chapter 117 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following:

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 District rezoning is consistent with the Future Land Use Plan, although the designation calls for a more heavy commercial.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, as a Limited Use Overlay, if the adjacent parcels are redeveloped collectively. This will afford the Commission and the Council shape future development and place much needed conditions to deal with existing residential and coordinated mixed development and access management.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposed rezoning can be made compatible with the development trends in the area. Although, some of the surrounding property is zoned for agriculture, while now used for residential uses, a transition of the zoning and land use is occurring on this immediate area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	This land would be accessed near a major commercially developed area. Suitability for general commercial is feasible. The current agricultural designation is not suitable.	
(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 bordering properties are zoned C3, R-1 and AG-1. With proper access management and adequate buffers to the surrounding residential, the site should not be a detriment to the area.	
(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 is not vacant with the current AG-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 if rezoned to C-3 Limited Use Overlay.	



Vicinity/Zoning Map

Staff Findings:

Applicant’s Purpose:

The applicant is requesting a change to a “C-3”, L.U. Overlay for General Commercial. The applicant also stated that with recent commercial growth in this area, this tract is an attractive location for continued commercial development. There are various types of development in the immediate area, including some sparse residential and commercial, and some industrial (on Commerce Drive to the west).

This area is not conducive to single family neither residential nor agricultural, due to the expanse and variation of commercial development. When re-developed, this land should be developed in a manner very consistent with the increasing needs for the area; hence, this is why the applicant feels the rezoning is necessary.

Zoning compliance/ Other Zoning Code Analysis:

The applicant has requested a rezoning to a “C-3”, L.U.O., General Commercial District with conditions, limitations, and a list of uses to be discouraged. Staff raised concerns in the previous related case, and the applicants have shown a desire to coordinate future redevelopment of the subject properties, that will lend for a more conducive development that will resemble good planning principles.

Dimension Requirements Commercial and Industrial Districts

<i>Dimension</i>	<i>CR-1</i>	<i>C-4</i>	C-3	<i>C-2</i>	<i>C-1</i>	<i>I-1</i>	<i>I-1</i>
<i>Minimum lot size</i>							
Single-family (sq. ft.)	6,500	NP	NP	6,000	NS	NP	NP
Duplex (sq. ft.)	7,200	NP	NP	7,200	NS	NP	NP
Multifamily (area/family)	NP	NP	NP	3,600	NS	NP	NP
Nonresidential uses (sq. ft.)	6,500	6,500	6,500	6,500	NS	6,500	10,000
Minimum lot width (all uses)	50'	50'	50'	50'	25'	50'	100'
Minimum lot depth (all uses)	100'	100'	100'	100'	NS	100'	100'
<i>Street setback</i>							
Residential uses	25'	NP	NP	25'	NS	25'	NP
Nonresidential uses	25'	25'	25'	25'	NS	25'	100'
<i>Interior side setback</i>							
Residential uses	7.5'	10'	NP	10'	NS	10'	NP
Nonresidential uses	10'	10'	10'	10'	NS	10'	25'
<i>Rear setback</i>							
Residential uses	20'	20'	NP	20'	NS	20'	NP
Nonresidential uses	20'	20'	20'	20'	NS	20'	25'
Maximum lot coverage (all uses)	50%	50%	60%	50%	100%	60%	60%
Percent of total lot area (building floor area)	20	20	NS	20	NS	NS	NS

Note.

NP = Not permitted.

NS = No standard.

Master Street Plan/Transportation

The subject property is served by Commerce Dr., Mildred Dr., and Margo Ln. On the Master Street plan, Commerce Dr. is classified as a principal arterial, which requires a 60 ft. right-of-way to road centerline (120 ft. total right-of-way) and Mildred and Margo Ln. are classified as local streets, which requires a 30 ft. right-of-way to road centerline (60 ft. total right-of-way).

For Commerce Dr., the rezoning plat shows a sufficient amount of dedicated right-of-way; however, for Mildred Dr. and Margo Ln., the rezoning plat shows a +/- 20 ft. right-of-way to the road centerline which is insufficient. The Lazy Acres subdivision, plat which this property is located shows a total dedicated street right-of-way of 50 ft. for Margo Ln. (formerly Marolyn Ln.).

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days.

Department/Agency	Reports/ Comments	Status
Engineering	No issues reported to date.	
Streets/Sanitation	Reported no issues.	
Police	No issues reported to date.	
Fire Department	No issues reported to date.	
MPO	No issues reported to date.	
Jets	No issues reported to date.	
Utility Companies	No issues reported to date.	

Sec. 117-140. Overlay and special purpose districts.

(c) *LU-O—limited use overlay district.* (3) *Use and property development standards.* When accompanied by a rezoning request from the property owner, the LU-O district can be used to restrict the use and property development standards of an underlying base zoning district, as applied to specific parcels of land.

All LU-O requirements are in addition to, and supplement all other applicable standards and requirements of the underlying zoning district. Restrictions and conditions imposed by an LU-O district are limited to the following:

- a. Prohibiting otherwise permitted or conditional uses and accessory uses or making a permitted use a conditional use;
- b. Decreasing the number or density of dwelling units that may be constructed on the site;
- c. Limiting the size of nonresidential buildings that may be placed on a site;
- d. Increasing minimum lot size or lot width;
- e. Increasing minimum yard and setback requirements; and
- f. Restricting access to abutting properties and nearby roads.

Method of adoption/amendment. As an overlay district, the LU-O designation shall be applied for in accordance with standard rezoning procedures. Once LU-O zoning is established, any amendments shall also require review and approval in accordance with rezoning procedures.

The rezoning of this property shall also adhere to the following considerations for the uses:

- 1) Each of these properties shall be allowed to remain as single family residential uses until such time as the stipulations and considerations below are satisfied.
- 2) The following uses should be prohibited as a part of the Limited Use:
 - A) Animal Care, General
 - B) Adult Entertainment
 - C) Off-Premises Sign

The applicant has proposed a C-3 Limited Use Overlay District rezoning with a narrowed-down list of uses permitted except the following highlighted uses in yellow. (Note that some uses are permitted within the C-3 District; however others must request a Conditional Use Approval by the MAPC):

List of Commercial Uses	C-3 General Commercial	List of Commercial Uses	C-3 General Commercial
<i>Civic and commercial uses</i>		<i>Civic and commercial uses</i>	
Animal care, general	Permitted	Nursing home	Permitted
Animal care, limited	Permitted	Office, general	Permitted
Auditorium or stadium	Conditional	Parking lot, commercial	Permitted
Automated teller machine	Permitted	Parks and recreation	Permitted
Bank or financial institution	Permitted	Pawn shops	Permitted
Bed and breakfast	Permitted	Post office	Permitted
Carwash	Permitted	Recreation/entertainment, indoor	Permitted
Cemetery	Permitted	Recreation/entertainment, outdoor	Permitted
Church	Permitted	Recreational vehicle park	Permitted
College or university	Permitted	Restaurant, fast-food	Permitted
Communication tower	Conditional	Restaurant, general	Permitted
		Retail/service	Permitted
Convenience store	Permitted	Safety services	Permitted
Day care, limited (family home)	Permitted	School, elementary, middle and high	Permitted
Day care, general	Permitted	Service station	Permitted
Entertainment, adult	Conditional	Sign, off-premises*	Permitted
Funeral home	Permitted	Utility, major	Conditional
Golf course	Permitted	Utility, minor	Permitted
Government service	Permitted	Vehicle and equipment sales	Permitted
Hospital	Permitted	Vehicle repair, general	Permitted
Hotel or motel	Permitted	Vehicle repair, limited	Permitted
Library	Permitted	Vocational school	Permitted
Medical service/office	Permitted	Warehouse, residential (mini) storage	Conditional
Museum	Permitted	<i>Industrial, manufacturing and extractive uses</i>	
<i>Agricultural uses</i>		Freight terminal	Conditional
Agriculture, animal	Conditional	Research services	Conditional
Agriculture, farmers market	Permitted		

Provisions or stipulations should be imposed by the Planning Commission to deal with the existing single family homes that would need to be *sun-shined*, because they would become a *Non-conforming Use* within a

new C-3 L.U.O. District, that typically does not allow residences. If the home is converted into some form of commercial use, it may not satisfy current building codes, zoning setbacks, site design, and parking requirements.

MAPC RECORD OF PROCEEDINGS: Meeting Held April 8, 2014:

Mr. George Hamman, Civilogic appeared before the Commission stated that he prepared the application and plat for the rezoning on behalf of the owners. This request is similar to the Jack Elam Case which was recommended for approval by the MAPC on March 11, 2014. Mr. Hamman noted that the stipulations are the same with the additional lots added in this petition. The only additional request is that the existing residential structures be allowed to remain residential use until such time a master plan for commercial.

Staff:

Mr. Spriggs gave summary comments from the Staff Report. He presented the case facts and described the general project vicinity of Marlo Lane and Hwy. 18 E. The Comprehensive Land Use Plan recommendation is *Light Industrial* for the project site. The table and list of criteria for rezoning was covered, and consistency was achieved on all items. The Master Street Plan will be complied with.

Mr. Spriggs: Noted that this area is highly favorable for rezoning and redevelopment to commercial, although there are still residential uses abutting. The rezoned properties if developed in a consolidated manner will provide necessary supportive commercial to the industrial park area.

The stipulations were read and agreed upon by the applicants.

Public Input: None.

Commission Action:

Motion was made by Mr. Reece to approve and recommend the rezoning to Council with the noted restrictions. Motion was 2nd by Mr. Scurlock.

Roll Call Vote:

Mr. Scurlock- Aye; Mr. Hoelscher - Aye; Mr. Reece- Aye; Ms. Nix- Aye; Ms. Schrantz- Aye; Measure passed unanimously (5-0 Vote). Absent was Mr. Kelton.

Conclusion:

The MAPC & the Planning Department Staff find that the requested Zone Change submitted for the four (4) listed parcels should be recommended for approval to City Council based on the above observations and criteria, of Case RZ 14-04, a request to rezone property from “AG-1” to “C-3” L.U.O. General Commercial subject to the following stipulations:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. That the redevelopment and change of use of the property be subject to coordination of adjacent property as approvable by the MAPC. Property shall remain as a single family dwelling until such time.

3. 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.
4. Coordination is required of all egress/ingress with the State Highway Dept., M.P.O., the City Engineering Dept. and the Planning Dept.
5. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking southwest toward 2005 Margo Ln. One of four subject properties.



View looking southwest toward 2009 Margo Ln. One of four subject properties.



View looking northeast toward 2010 Commerce Dr. One of four subject properties.



View looking northeast toward 2008 Commerce Dr. One of four subject properties.



View looking southwest toward 2001 Margo Ln. which is located north of subject properties.



View looking east toward 2004 & 2008 Margo Ln. which is located east of subject properties.



View looking southeast toward 2012 Margo Ln. which is located east of subject properties.



View looking northwest toward 2011 Margo Ln. which is located south of subject properties.



View looking southwest toward 2203 Mildred Dr. which is located south of subject properties.



View looking southeast toward 2204 Commerce Dr. which is located south of subject properties.



View looking west toward 5601 E. Highland Dr. which is located west of subject properties.



View looking southeast toward 2006 Commerce Dr. which is located north of subject properties