



City of Jonesboro City Council
Staff Report – RZ 13-23: Rezoning –Stallings Lane Case- Reconsideration
Municipal Center – 300 S. Church
For Consideration by the Council on Tuesday, March 18, 2014

REQUEST: To reconsider rezoning a parcel of property containing approximately 1.55 acres more or less.

PURPOSE: A request for rezoning from C-5 Neighborhood Commercial and R-1 Single Family Residential to CR-1, L.U.O, Neighborhood Commercial Residential District as modified by the Applicant to a lesser intense use than C-3 General Commercial.

**AGENT/
OWNER:** Sharon & Herb Stallings, 1207 Dove Rd. Jonesboro, AR 72401.
Same.

LOCATION: 2904, 2906 Stallings Lane, Jonesboro AR
SITE Tract Size: Approx. 1.55 acres
DESCRIPTION: Frontage: Red Wolf Blvd. at 281.6 ft. and Stallings lane at 255.2 ft. of frontage.
Topography: Gradually sloping
Existing Developmt.: Residential structures and vacant land.








SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: C-3, R-2	Daycare, Residential
	South: C-3	Commercial
	East: C-5	Commercial
	West: R-2	Residential

HISTORY: The primary site location was approved by the Council for Rezoning to C-5 on January 3, 2006 for Neighborhood Commercial by ORD 06:165 (except for rear ¼ acre).

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

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	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed CR-1, Limited Use Overlay District rezoning is consistent with the Future Land Use Plan.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose of Chapter 117.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible with the development trends in the area. Although, some of the surrounding property is zoned for residential use, a transition of the zoning and land use is occurring on this immediate site and property. The majority of the site was rezoned previously for neighborhood commercial.	
(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 at a major commercially developed area. Suitability for neighborhood commercial is feasible.	
(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 C-3, C-5, R-2 and R-3. With proper access management and adequate buffers to the surrounding residential, the site should not be a detriment to the area. Such access will be coordinated by the MAPC in the future when specific proposals are presented for approval.	
(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 R-1 or C-5 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 and when item (e) is coordinated by the MAPC.	

COMPREHENSIVE PLAN/ FUTURE LANDUSE MAP

The 2010 Comprehensive Plan Future Land Use Map shows the area recommended as Neighborhood Retail (NR). This area is pending a restudy on the land use map by the Land Use Advisory Committee and will most-likely maintain a Neighborhood Retail status. *Consistency is achieved with the adopted Land Use Map.*

Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

Land Use Map: Fig. 1

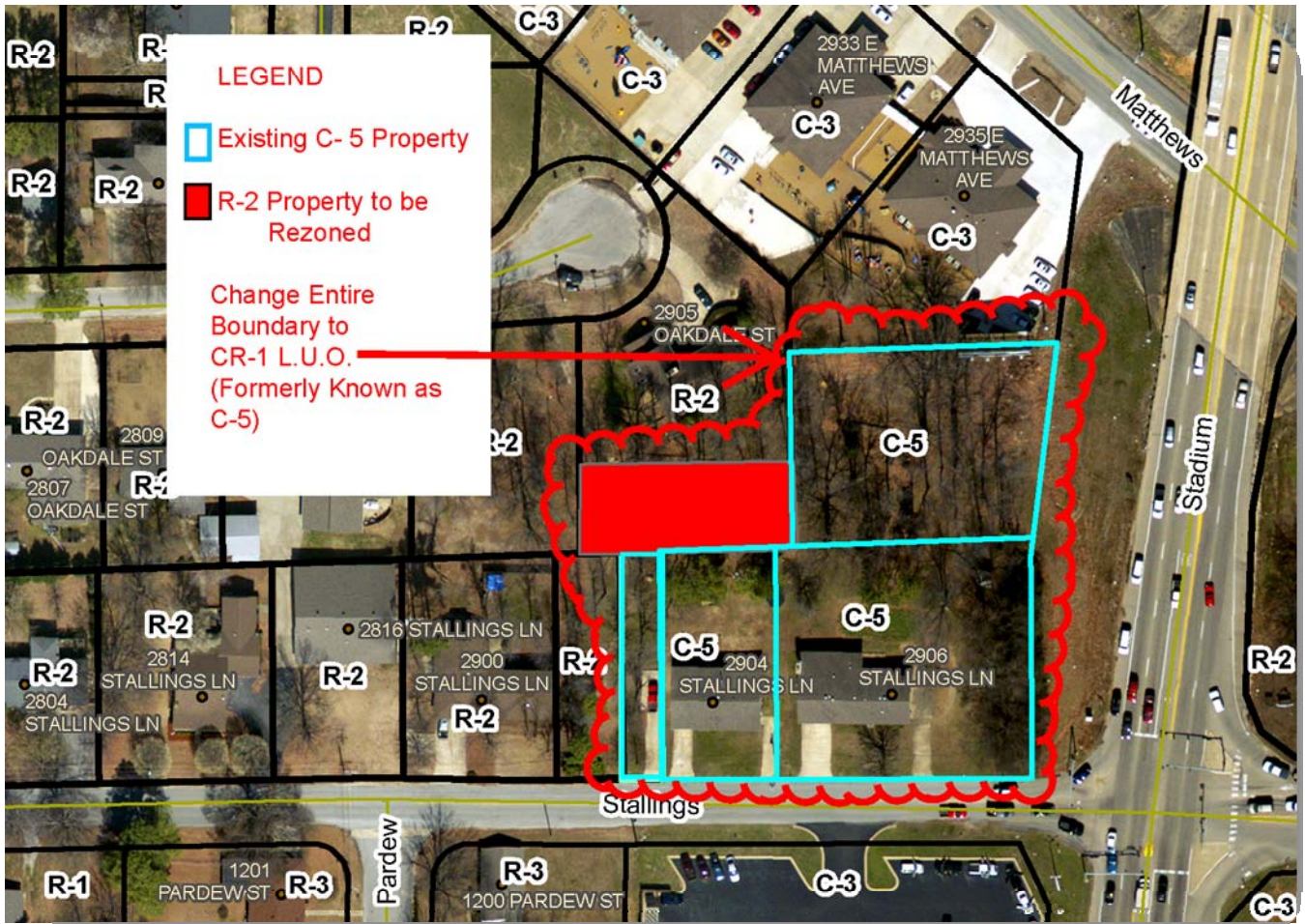


Master Street Plan/Transportation

The subject property is served by a City Street- Stallings Drive, and Stadium Blvd (Hwy. 1). The proposed ingress/egress is proposed off of Stallings Dr. Stallings Drive is categorized as a local street and Stadium Blvd. is a Principal Arterial. Adequate right of way dedications must the minimum requirements of the Master Street Plan.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Ongoing review; Traffic management plan should be submitted for uses on Table:	
Streets/Sanitation	No issues noted with this proposal.	
Police	No issues reported.	
Fire Department	No issues reported.	
MPO	Ongoing review; Revisions have been made to this application.	
Jets	No issues noted with the proposal.	
Utility Companies	Ongoing review; No Comments or issues.	Suddenlink was present at MAPC Hearing



Vicinity Zoning Map: Fig. 2

MAPC Record of Proceedings: Public Hearing Held – March 11, 2014

Applicant:

Mrs. Sharon Stallings stated that she is the owner of the subject rezoning property located on Red Wolf Blvd. & Stallings Lane and also property on Bernice Cove in the rear. **Mrs. Stallings** stated that she wanted to make this as simple and straightforward as possible. They have had this property for over 40 years.

Mrs. Stallings noted that they have no relationship with Casey's General Store. **Mrs. Stallings:** This is the first time the Stallings have put the property *for sale*. Casey's were the first the Stallings took an offering from. We made it clear that they would have to go through the City and work things out on the front end. After 8 months of tweaking the site plan, we were obligated that as the contract would run out, to give them 90 days to work this out with the City. After the January 21st Council meeting, they decided to let us have the contract back. And we did so. We gave them their earnest money back and we are not under contract with them. **Mrs. Stallings** added that they did not have their hearts set on

Casey's. They are a wonderful company. It is just that it didn't work out, and that is fine because there are a lot of other uses.

Mrs. Stallings noted that they are asking for a rezoning of their property as described and pictured on the explanation map shown. **Mrs. Stallings:** All but a quarter of an acre is currently C-5 Commercial. The City's designation is no longer C-5, it is CR-1. We are asking that this quarter of acre and all of the other property which is C-5, be changed to CR-1. Our reasoning is because the Bernice Cove lot is 270 ft. deep, and renters don't want a lot that deep. The area in "R-2 property in red" is better used with the commercial property. This would square off the property better so that it would be marketed more to the CR-1 categories it is listed for. To the west it would give us a deeper and more favorable property to go with the rest of that commercial. And I think that is what MAPC preferred that if we sold this property, you wanted the buildings moved more westerly farther away from the Red Wolf & Stallings stop light. This would be more easily marketable for someone to put their structure farther to the west.

Staff:

Mr. Otis Spriggs gave staff summary comments. He noted that the previous record of proceedings were copied to the MAPC by which the previous application for a change to C-3 L.U.O. General Commercial for a gas station convenience was recommended to Council for approval; but, later was tabled indefinitely, due to issues regarding the required traffic impact study. **Mr. Spriggs** added that this proposal for reconsideration will make the project more restricted and consistent with the original C-5 Neighborhood Commercial zoning originally approved by Council in 2005.

Note that Consistency is achieved with the proposed Land Use Plan recommendations and the Master Street Plan in terms of right-of-way width recommendations.

Mr. Spriggs: As discussed in the MAPC pre-development meeting, a list of uses has been incorporated within the staff report (see Table 1). The Stallings could actually apply for a number of uses for a development permit or other uses could be submitted to the Planning Commission for a Conditional Use request. Ms. Stallings is willing to have the property rezoned to CR-1 L.U.O. Neighborhood Commercial to make it the actual designation changed within our Zoning Code to CR-1, with a Limited Use Overlay having the restrictions and conditions noted below. This would allow such uses; however, she would be obligated to satisfy the stipulations as recommended by staff and the requirements for setbacks within the CR-1 District. We have also listed threshold uses that relate to traffic which became a major issue in the original case within this area. The original conversation and concern came about because there are certain types of uses such as a gas stations having 20 fuel pumps that may render a traffic study to be performed. This resulted in a need for access management and road improvement concerns that could have alleviated any detriments to the surrounding neighborhood. Stallings Lane at Red Wolf Blvd. has existing traffic issues and concerns.

A sample motion was provided and the 4 conditions were read as recommend to City Council.

Public Input:

None present.

Commission Deliberation:

Mr. Reece: Stated he sees no reason it should not be rezoned. We approved it once. If it is developed, we will see it again as a site plan, where we can deal with the issues of the folks within the area.

Commission Action:

Motion was made by Mr. Reece to approve the request and adopt the rezoning per the staff recommendations and stipulations, with a recommendation to the City Council as stated.

Motion was 2nd by Mr. Scurlock.

Roll Call Vote:

Mr. Scurlock- Aye; Mr. Hoelscher - Aye; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Nix- Aye; Mr. Dover- Aye; Measure passed (6-0).

Other Zoning Code Analysis:

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 existing subject site has two zoning districts: Zone C-5 (Neighborhood Commercial District) and R-2 (Single-Family Residential District). There are currently two single-family houses on this site, with two out-buildings. There are five residential driveways on the north side of Stallings Lane along this property frontage. There are five lots proposed to be rezoned (lot 9, 19, 20, and a part of lot 10 and a part of lot 18 of Stallings 5th Addition to the City of Jonesboro). The total site area is approximately 1.55 acres.

This application for a zoning ordinance map amendment is being resubmitted to request rezoning the site from Zone C-5 and CR-1 Neighborhood Commercial. No particular use is being presented with this petition. However, the table below outlines the possible uses permitted within the CR-1 Neighborhood Commercial Residential District.

CR-1, commercial residence mixed use district. The CR-1, commercial residence mixed use district shall be classified as a transitional zoning classification for mixed-use type developments. It allows 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 quadra-plexes 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.

List of Permitted Uses: Table 1:

List of Uses		CR-1 Neighborhood Commercial	List of Uses		CR-1 Neighborhood Commercial
	Duplex, triplex, fourplex	Permitted		Office, general	Permitted
	Loft apartment	Permitted		Parks and recreation	Permitted
	Multifamily	Permitted		Post office	Conditional Use Required
	Animal care, general	Conditional Use Required		Safety services	Permitted
	Animal care, limited	Conditional Use Required		School, elementary, middle and high	Permitted
	Automated teller machine	Conditional Use Required		Recreation/entertainment, indoor	Permitted
	Bed and breakfast	Conditional Use Required		Recreation/entertainment, outdoor	Permitted
	Cemetery	Permitted		Medical service/office	Permitted
	Church	Permitted		Museum	Permitted
	College or university	Permitted		Nursing Home	Conditional Use Required
	Communication tower	Conditional Use Required		Recreational vehicle park	Permitted
	Convenience store	Conditional Use Required		Restaurant, fast-food	Permitted
	Day care, limited (family home)	Permitted		Restaurant, general	Permitted
	Day care, general	Permitted		Retail/service	Permitted
	Funeral home	Conditional Use Required		Sign, off-premises*	Permitted
	Government service	Permitted		Utility, major	Conditional Use Required
	Hospital	Permitted		Utility, minor	Permitted
	Library	Permitted			

At this time there is no site plan under consideration. Therefore any future redevelopment shall be subject to administrative Site Plan approval by the MAPC. The zoning restrictions listed in Table 2 below shall be applied and adhered to:

Table 2:

Dimension Requirements Commercial and Industrial Districts

<i>Dimension</i>	CR-1	<i>C-4</i>	<i>C-3</i>	<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	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'
Interior side setback							
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.

(Zoning Ord., § 14.20.02; Ord. No. 3434; Ord. No. 08-2007, 2-6-2007)

Impact of Future Developments on the Traffic:

Previously the MAPC held public hearings where the traffic issues caused at the subject property locations became a major concern. The Engineering Department has provided us with a list of development thresholds that may generate 100 peak hour trips (Table 3). These types of developments would most likely require a traffic study to determine what improvements may be needed for a particular project.

Traffic Impact Study: Peak Traffic Threshold- Table 3

Threshold Levels		
Land Use	100 Peak Hour Trips	750 Daily Trips
Residential: Single Family	150 units	70 units
Apartments	245 units	120 units
Condos/Townhouses	295 units	120 units
Mobile Home Park	305 units	150 units
Shopping Center	15,500 sq. ft.	2,700 sq. ft.
Fast Food Restaurant (GFA)	5,200 sq. ft.	1,200 sq. ft.
Convenience Store w/ gas (GFA)	1,300 sq. ft. or 5 pumps	
Bank w/ Drive-In	4,400 sq. ft.	2,800 sq. ft.
Hotel/Motel	250 rooms	90 rooms
General Office	55,000 sq. ft.	45,000 sq. ft.
Medical/Dental Office	37,000 sq. ft.	26,000 sq. ft.
Research & Development	85,000 sq. ft or 4.5 acres	70,000 sq. ft or 4 acres
Light Industrial	115,000 sq. ft. or 8 acres	115,000 sq. ft. or 11.5 acres
Manufacturing	250,000 sq. ft.	195,000 sq. ft.

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 CR-1 Neighborhood Commercial Residential, Limited Use Overlay District submitted for Case RZ 13-23, 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 by the MAPC prior to any development of the property.
3. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
4. That the future use of the property be limited to the list of uses (Table 3) under the CR-1 District as approved by the MAPC.

Respectfully Submitted for Council’s Reconsideration,



Otis T. Spriggs, AICP - Planning & Zoning Director

Site Photographs



View looking northeast from Stallings Lane toward subject site.



View looking northwest toward 2900 Stallings Lane located west of site.



View looking south from subject site toward property located on the southwest corner of Stadium Blvd. and Stallings Ln.



View looking southeast from subject site toward property located on the southeast corner of Stadium Blvd. and Stallings Ln.



View looking east from subject site toward property located on the northeast corner of Stadium Blvd. and Stallings Ln.



View looking north from Stallings Ln. toward the Stadium Blvd. street frontage for subject site.



View looking north toward northern portion of subject site with 2935 East Matthews in the background.



View looking northeast toward northern portion of subject site with 2905 Bernice Cir. in the background.