

City of Jonesboro City Council
Staff Report – RZ 17-02: 719 Southwest Drive
 Municipal Center - 300 S. Church St.
For Consideration by the Council on March 7, 2017

REQUEST: To consider a rezoning of one tract of land containing 0.28 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 0.28 acres of land located at 719 Southwest Drive from R-1 Single Family Residential to C-4 Neighborhood Commercial District with a Limited Use Overlay.

**APPLICANTS/
OWNER:** Mitra Delshad 719 Southwest Drive, Jonesboro, AR
 Mitra Delshad 719 Southwest Drive, Jonesboro, AR

LOCATION: 719 Southwest Drive, Jonesboro, AR 72401

SITE

DESCRIPTION: **Tract Size:** Approx. 0.28 Acres
Street Frontage: **Around 90 Feet along Southwest Drive**
Topography: Flat
Existing Development: **Single Family House**

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	R-1 and C-4 LUO
South	R-1
East	C-5
West	R-1

HISTORY: This land has been developed as a single family house.

ZONING ANALYSIS

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

COMPREHENSIVE PLAN LAND USE MAP

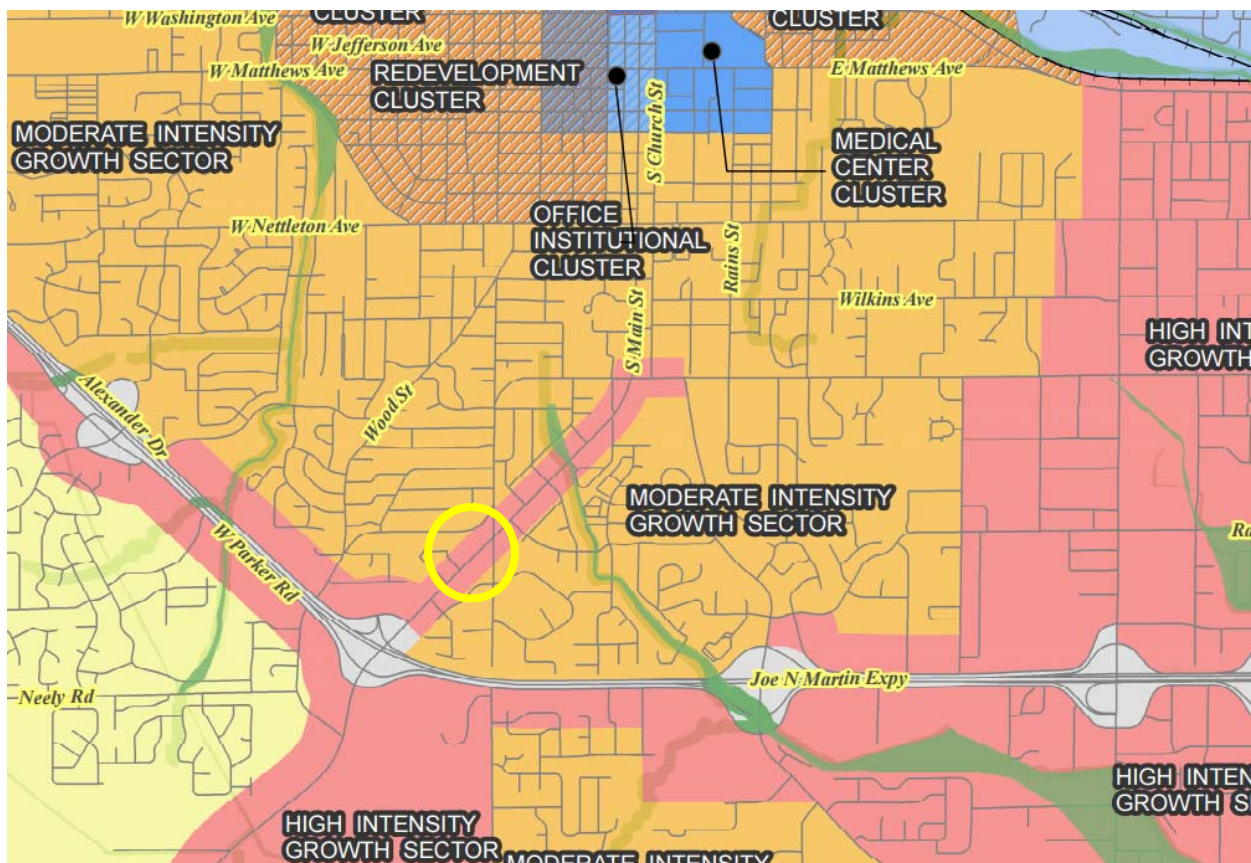
The Current/Future Land Use Map recommends this location as a High Intensity Growth Sector. A wide range of uses is appropriate in the high intensity zones, from multi-family to fast food to Class A office space to outdoor display/highway oriented businesses like automotive dealerships, because they will be located in area where sewer service is readily available and transportation facilities are equipped to handle the traffic.

High Intensity Growth Sector Recommended Use Types Include:

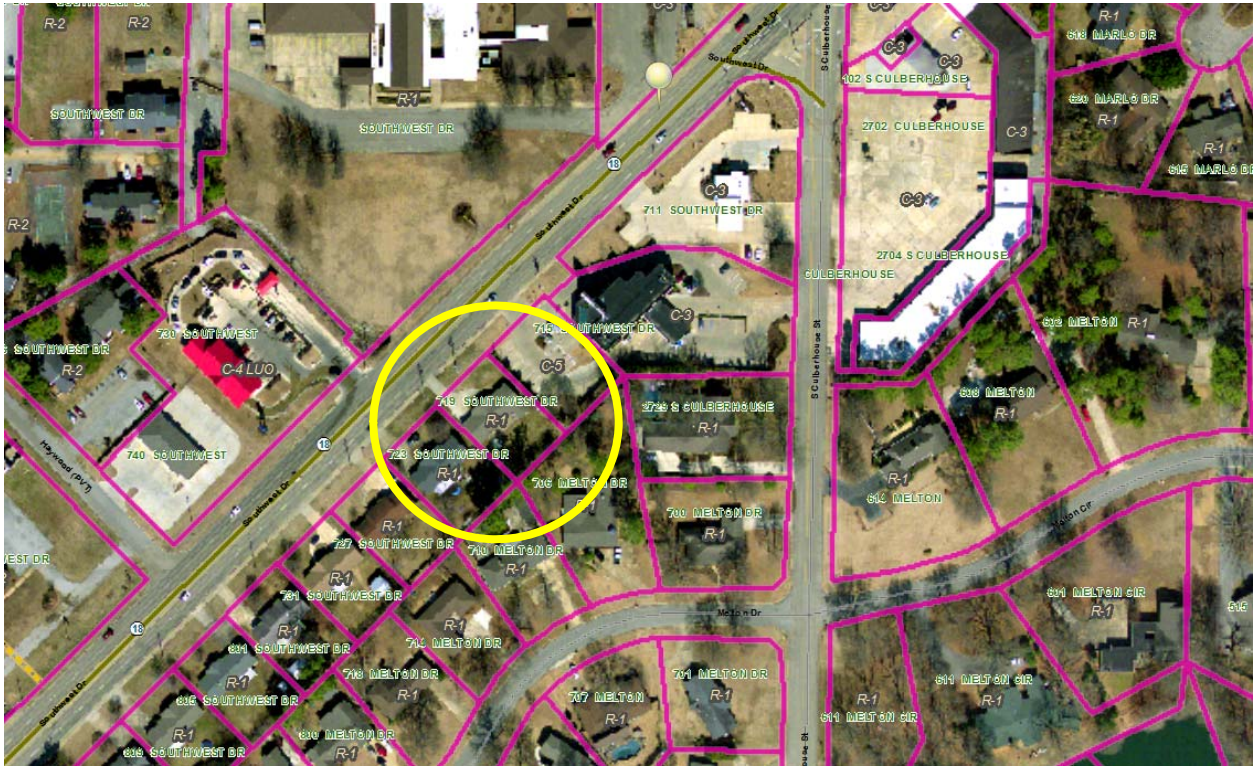
- Regional Shopping Centers
- Automotive Dealerships
- Outdoor Display Retail
- Fast Food Restaurants
- Multi-Family
- Service Stations
- Commercial and Office
- Call Centers
- Research and Development
- Medical
- Banks
- Big Box Commercial
- Hotel

Master Street Plan/Transportation

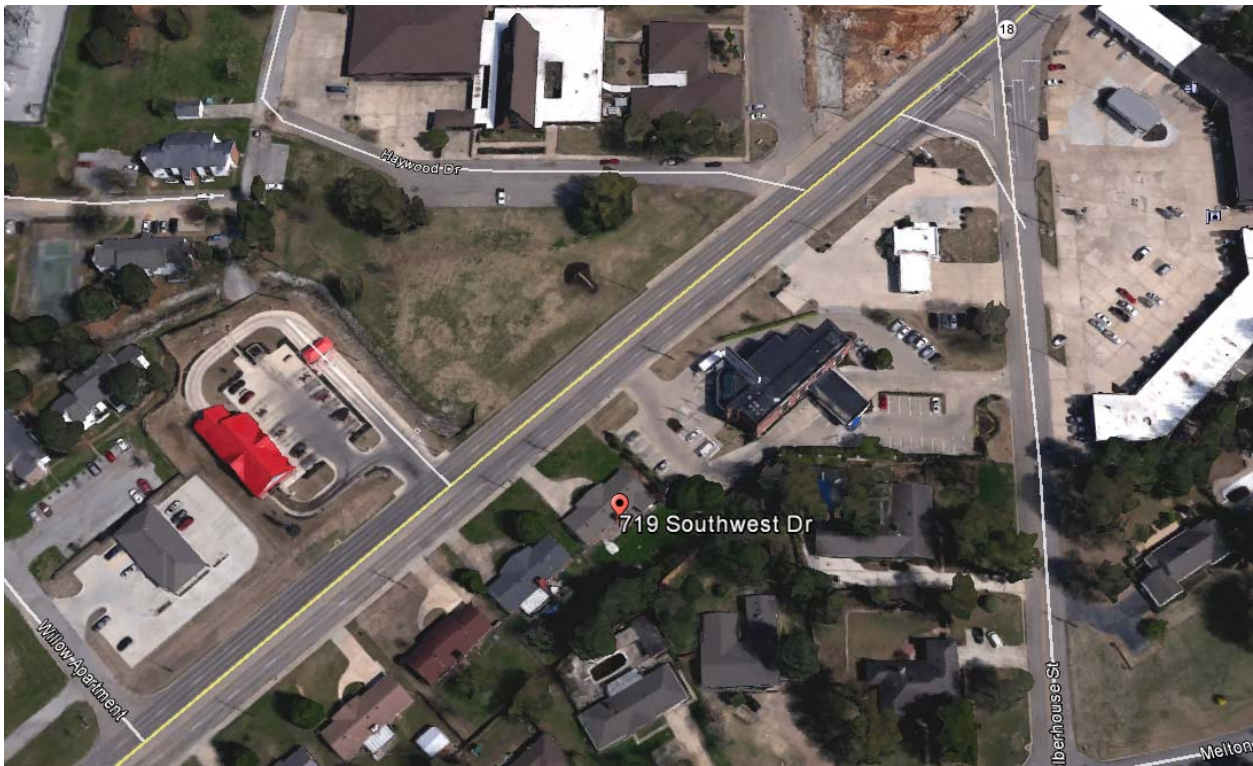
The subject site is served by Southwest Drive., which on the Master Street Plan is defined as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan.



Adopted Land Use Map










Aerial/Zoning Map



Aerial View

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 rezoning is consistent with the Future Land Use Plan, which was categorized as a High Intensity Growth Sector.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This area already has several commercial developments along Southwest Drive.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Property is suitable for both residential and commercial development. This lot currently has a house built on it.	
(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.	This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses.	
(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.	The property has been a single family residential.	
(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 due to the fact that business currently exist with only minor upgrades.	

Staff Findings:

Applicant’s Purpose:

The purpose of the rezoning is to make the property marketable and to coincide with the other properties that are developing along Highway 49. This property would be marketed toward a food or c-store operator.

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

C-4, Neighborhood Commercial District. The purpose of this district is to provide appropriate locations for Limited Retail Trade and Services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Appropriate locations for this district are limited to collector or arterial street locations or other carefully selected areas. Buildings are be of residential character regarding outward appearance.

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 objections to this rezoning to date.	
Streets/Sanitation	No objections to this rezoning to date.	
Police	No objections to this rezoning to date.	
Fire Department	No objections to this rezoning to date.	
MPO	No objections to this rezoning to date.	
Jets	No objections to this rezoning to date.	
Utility Companies	No objections to this rezoning to date.	

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested C-4, Neighborhood Commercial District with the Limited Use Overlay, Certain commercial uses are permitted as of right - “P”, while others require a Conditional Use - “C” approved by the MAPC:

List of Commercial Uses		C-4 Neighborhood Commercial	List of Commercial Uses		C-4 Neighborhood Commercial
<i>Civic and Commercial uses</i>			<i>Civic and Commercial uses</i>		
Animal Care, Limited		Permitted	Medical Services Office		Permitted
Automated Teller Machine		Permitted	Museum		Permitted
Bank or Financial Institution		Permitted	Office General		Permitted
Bed and Breakfast		Permitted	Safety Service		Permitted
Daycare, Limited		Permitted	Utilities Minor		Permitted
Daycare, General		Permitted	Vocational Schools		Conditional Use
Library		Permitted			

MAPC RECORD OF PROCEEDINGS: MAPC MINUTES FROM FEBRUARY 14, 2017 MEETING

APPLICANT: Ms. Mitra Delshad requested MAPC approval of a rezoning from R-1 Single Family Residential District to C-3 General Commercial District for property located at 719 Southwest Drive. The applicant wants to rezone the property because it is in a heavy traffic zone and the master plan does call for this lot to be commercial.

STAFF: Mr. Derrel Smith presented staff comments. It does meet five of the seven criteria for a rezoning. It currently has a house on the lot. This has been a house for several years. However, it does meet the Land Use Plan for high intensity commercial. The city recommended the rezoning with the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

PUBLIC: Mr. Been Blankenship was at the meeting to voice his opinion on the rezoning. He lives behind the proposed rezoning. He would not want to see a convenience store, any two-story building or a restaurant on the property. The applicant said they would like to put office space on the lot. The lot is not big enough to put a restaurant or convenience store. Mr. Blankenship also pointed out their fence was not on the property line. Some of the property on the other side of their fence also belongs to them.

PUBLIC: Mr. Steve Brewer also voiced his opinion on the rezoning. He would like to see something put there with a low profile. People have spent a lot of money on their houses and they would like to see their investment protected.

PUBLIC: Ms. Donna Bister was at the meeting to share her opinion on the rezoning. She wanted to keep the residential feel to the neighborhood. She also pointed out that if people have problems turning into their driveways off Southwest Drive it would be just as difficult for customers to pull into the commercial development.

APPLICANT: Ms. Mitra Delshad said that she asked the next-door neighbors and they had no objections to this rezoning. People do not want to rent the house because it is hard to get in and out of the driveway and kids cannot play in the front yard.

STAFF: Mr. Derrel Smith said they might consider rezoning this property to C-4 but that would have to be something agreed to by the applicant.

After presenting the allowed uses in a C-4 zoning, the applicant decided to change their request for a rezoning from C-3 General Commercial to a C-4 Neighborhood Commercial District with a Limited Use Overlay with the following allowed:

- Animal Care, Limited
- ATM
- Bank or Financial Institution
- Bed and Breakfast
- Daycare Limited
- Daycare General
- Library
- Medical Services Office
- Museum
- Office General
- Safety Service
- Utilities Minor

The city recommends rezoning this property to C-4 L.U.O. allowing the following permitted uses and conditions allowed:

- Animal Care, Limited
- Automated Teller Machine
- Bank or Financial Intuition
- Bed and Breakfast
- Daycare Limited
- Daycare General
- Library
- Medical Services Office
- Museum
- Office General
- Safety Service
- Utilities Minor

The applicant asked for vocational schools to be conditionally allowed.

STAFF: Mr. Derrel Smith agreed to this. This was listed as a conditional use.

For C-4 Neighborhood Commercial District with a Limited Use Overlay, the following conditions apply:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. These permitted uses were allowed under the Limited Use Overlay: Animal Care, Limited; Automated Teller Machine; Bank or Financial Intuition; Bed and Breakfast; Daycare Limited; Daycare General; Library; Medical Services Office; Museum; Office General; Safety Service; Utilities Minor with Vocational Schools as allowed only by Conditional Use.

A motion was made by Jim Scurlock, seconded by Jimmy Cooper that this matter be recommended to Council. The motion PASSED with the following vote.

Aye: 7 – Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins and Jimmy Cooper

Absent: 1 – Rick Stripling

Conclusion:

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 17-02, a request to rezone property from R-1 Single Family Residential District to “C-4” Neighborhood Commercial District with a Limited Use Overlay, subject to final site plan approval by the MAPC.

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. These permitted uses were allowed under the Limited Use Overlay: Animal Care, Limited; Automated Teller Machine; Bank or Financial Intuition; Bed and Breakfast; Daycare Limited; Daycare General; Library; Medical Services Office; Museum; Office General; Safety Service; Utilities Minor with Vocational Schools as allowed only by Conditional Use.

Respectfully Submitted for City Council Consideration,
The Planning Department

Sample Motion:

I move that we place Case: RZ 17-02 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the City Council find that changing the zoning of this property from R-1 Single Family Residential to the proposed “C-4” Neighborhood Commercial District with the Limited Use Overlay, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future.



View looking North



View looking South



View looking East



View looking West