



City of Jonesboro City Council
Staff Report – RZ 13-19: Rezoning – 3600 Rios Lane
Municipal Center – 300 S. Church
For Consideration by the Council on Tuesday, December 17, 2013

REQUEST: To consider rezoning a parcel of property containing approximately 1.41 acres more or less as recommended for approval by the MAPC.

PURPOSE: A request for rezoning from R-1 Residential to C-3, L.U.O, General Commercial District.

**AGENT/
OWNER:** James McLeod, Sr., Attorney, Jonesboro, AR
Amy Pottinger, 2114 Camper Down Ct., San Jose, CA 95121

LOCATION: 3600, 3602, 3514 Rios Lane, Jonesboro AR
SITE Tract Size: Approx. 1.41 acres
DESCRIPTION: Frontage: None on Old Greensboro Rd. (Access off of Rios Lane (Private))
Topography: Gradually sloping
Existing Developmt.: Residential structures (Mobile homes/single family home)
Rios Lane is a gravel road

SURROUNDING	<u>ZONE</u>	<u>LAND USE</u>
CONDITIONS:		
North:	I-1 Industrial	Warehousing
South:	C-3	Commercial
East:	C-3	Vacant Commercial
West:	C-3 L.U.O.	Commercial

HISTORY: Abutting property was previously rezoned along Rios Drive.
Ordinance 08:047; Rezoned to C-3 L.U.O.

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

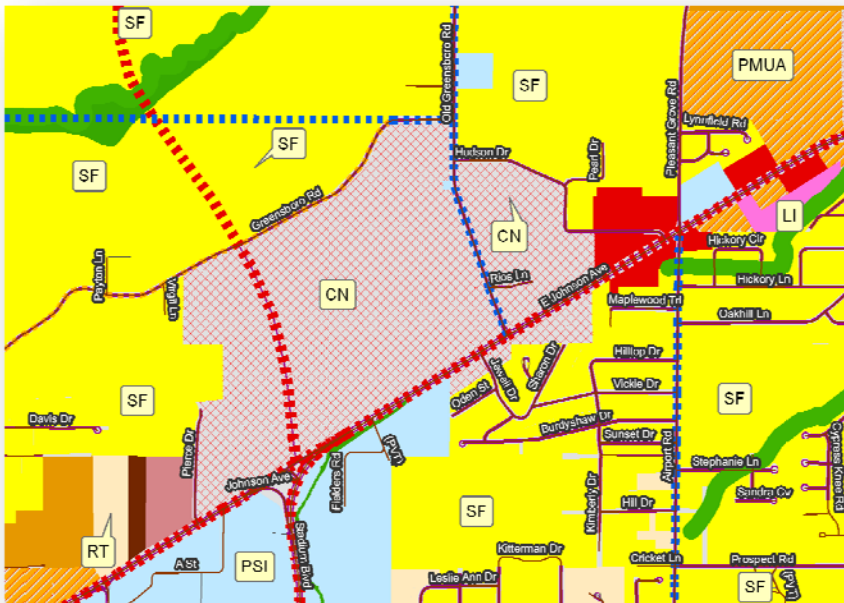
Approval Criteria Checklist- Section 117-34- Amendments:

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
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 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 under the same ownership. This acreage is land-locked.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Poor suitability due to the current R-1 zoning which will greatly restrict possible commercial development on the site if not zoned. This land would be access through commercially utilized property.
(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 L.U.O.
(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 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.

COMPREHENSIVE PLAN/ FUTURE LANDUSE MAP

The 2010 Comprehensive Plan Future Land Use Map shows the area recommended as Commercial Node and Village Residential. This area is pending a restudy on the land use map by the Land Use Advisory Committee and will most-likely maintain a commercial node status.



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



Vicinity Zoning Map

Master Street Plan/Transportation

The subject property is served by a private drive named Rios Dr. which is an ingress/egress easement providing access from Hwy. 351.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Coordinate Cross Access	
Streets/Sanitation	No Objection	
Police	No Objection	
Fire Department	No Objection	
MPO	Coordinate Cross Access	
Jets	No Objection	
Utility Companies	No Objection	

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 applicant has proposed a C-3 Limited Use Overlay District rezoning with all uses permitted as follows:

- Automated Teller Machine
- Bank & Financial Institution
- Convenience Store
- Government Service
- Hotel or Motel
- Library
- Medical Services/ Office
- Museum
- Office (General)
- Parks & Recreation
- Post Office
- Recreation/Entertainment (Indoor or Outdoor)
- Restaurant (Fast food or General)
- Retail/Service
- Service Station
- Utility (Major/Minor)
- Vehicular Repair
- No Billboards
- No Adult Entertainment (Staff Suggested)

There are no proposed lot configurations for the submitted rezoning at this time, however, final detailed final plans should be required to be reviewed and approved by the MAPC to assure compliance with all City Codes of Ordinances regarding transportation, storm water drainage design, buffering, etc.

MAPC RECORD OF PROCEEDINGS: Public Hearing held December 10, 2013

Applicant:

Agent: James William McLeod, McLeod Law Firm, PLLC appeared before the Commission requesting approval of the Rezoning Case for land that his client purchased located off Hwy. 351. The property is currently zoned R-1 Single Family and is requested to be changed to C-3 L.U.O. to be consistent with all the surrounding properties which are zoned C-3. The owner intends to resell the property and market it for the proposed uses. She owns several properties abutting to the left.

Staff:

Mr. Spriggs gave the staff overview of the case and summarized the Staff Report findings. He noted that the 2010 Comprehensive Plan Future Land Use Map shows the area recommended as Commercial Node and Village Residential. This area is pending a restudy on the land use map by the Land Use Advisory Committee and will most-likely maintain a commercial node status.

There were no objections from the reviewing agencies nor departments submitted to the Planning Department. Engineering, MPO and Planning Staff recommend that access management be adhered to and that cross access easements be coordinated during site plan review and approval by the MAPC. This change will cause the property which is landlocked to be consistent with the surrounding property which is commercially zoned. No residential property is affected by the petition.

The conditions and proposed uses were read:

The rezoning of this property shall adhere to the following stipulations:

1. The L.U.O. shall allow the following permitted uses:
 - a. Automated Teller Machine
 - b. Bank & Financial Institution
 - c. Convenience Store
 - d. Government Service
 - e. Hotel or Motel
 - f. Library
 - g. Medical Services/Office
 - h. Museum
 - i. Office (General)
 - j. Parks & Recreation
 - k. Post Office
 - l. Recreation/Entertainment (Indoor or Outdoor)
 - m. Restaurant (Fast Food or General)
 - n. Retail/Service
 - o. Service Station
 - p. Utility (Major/Minor)
 - q. Vehicular Repair
 - r. No billboards
 - s. No Adult Entertainment (Staff Suggested)
2. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the Stormwater Drainage Design Manual.
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 ingress/egress with the State Highway Department, 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”.
6. That the future use of the property be limited to the list of uses above (Limited Use Overlay) as approved by the MAPC.

Public Input: No Opposition Present

Commission Action:

Motion was made to recommend approval of the rezoning to Council with the stipulated conditions by Ms. Nix; 2nd by Mr. Scurlock.

Vote: Mr. Scurlock- Aye; Mr. Hoelscher-Aye; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Tomlinson-Aye; Ms. Nix- Aye; Ms. Shrantz- Aye; Mr. Dover- Aye; Mr. Roberts- Chairman.

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 C-3 Limited Use Overlay District submitted for Case RZ 13-19 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. Coordination is required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
5. That the future use of the property be limited to the list of uses above (Limited Use Overlay) as approved by the MAPC.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking north of northern portion of subject site.



View looking south of southern portion of subject site.



View looking west from subject site toward adjacent C-3 L.U.O. property fronting Old Greensboro Rd.



View of I-1 property located north of subject site.



View toward subject site from western portion of adjacent C-3 property located to the west of subject site.



View from Johnson Ave. of C-3 property located south of subject property.