

***City of Jonesboro Metropolitan Area Planning Commission***  
**Staff Report – RZ 23-12, 3703 South Culberhouse**  
**300 S. Church Street/Municipal Center**  
***For Consideration by Planning Commission on November 14, 2023***

**REQUEST:** To consider a rezoning of one tract of land containing 17.6 +/- acres

**PURPOSE:** A request to consider recommendation to Council for a rezoning from “RS-7” single family residential and “C-4” neighborhood commercial to “C-3 LUO” general commercial with a limited use overlay and “C-4” neighborhood commercial.

**APPLICANT:** Michael Daniels, 2520 Alexander Drive Ste. C, Jonesboro AR

**OWNER:** Chris Futrell, 3703 South Culberhouse Street, Jonesboro AR

**LOCATION:** 3703 South Culberhouse

**SITE**

**DESCRIPTION:** **Tract Size:** Approx. 17.6 Acres  
**Street Frontage:** Approx. 650 ft. on Culberhouse

**Existing Development:** Former commercial business

**SURROUNDING CONDITIONS:**

<b>ZONE</b>	<b>LAND USE</b>
<b>North</b>	<b>R-1 – Residential</b>
<b>South</b>	<b>R-1 – Residential</b>
<b>East</b>	<b>R-1 - Residential</b>
<b>West</b>	<b>R-1 &amp; C-4 – Commercial and Vacant Property</b>

**HISTORY:** Reclaimed gravel pit and former landscaping business.

## **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 land uses is appropriate in the high intensity zone, 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 areas where sewer service is readily available and transportation facilities are equipped to handle the traffic.

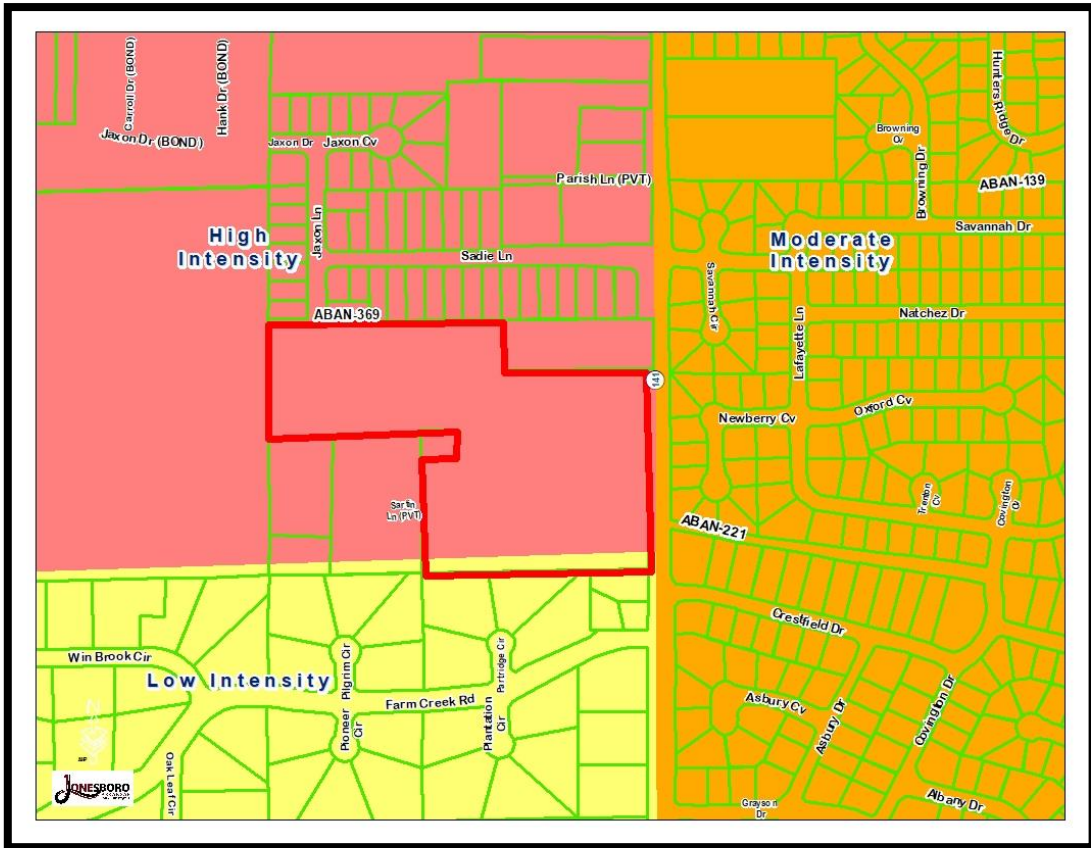
### **Typical Land Uses:**

- 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

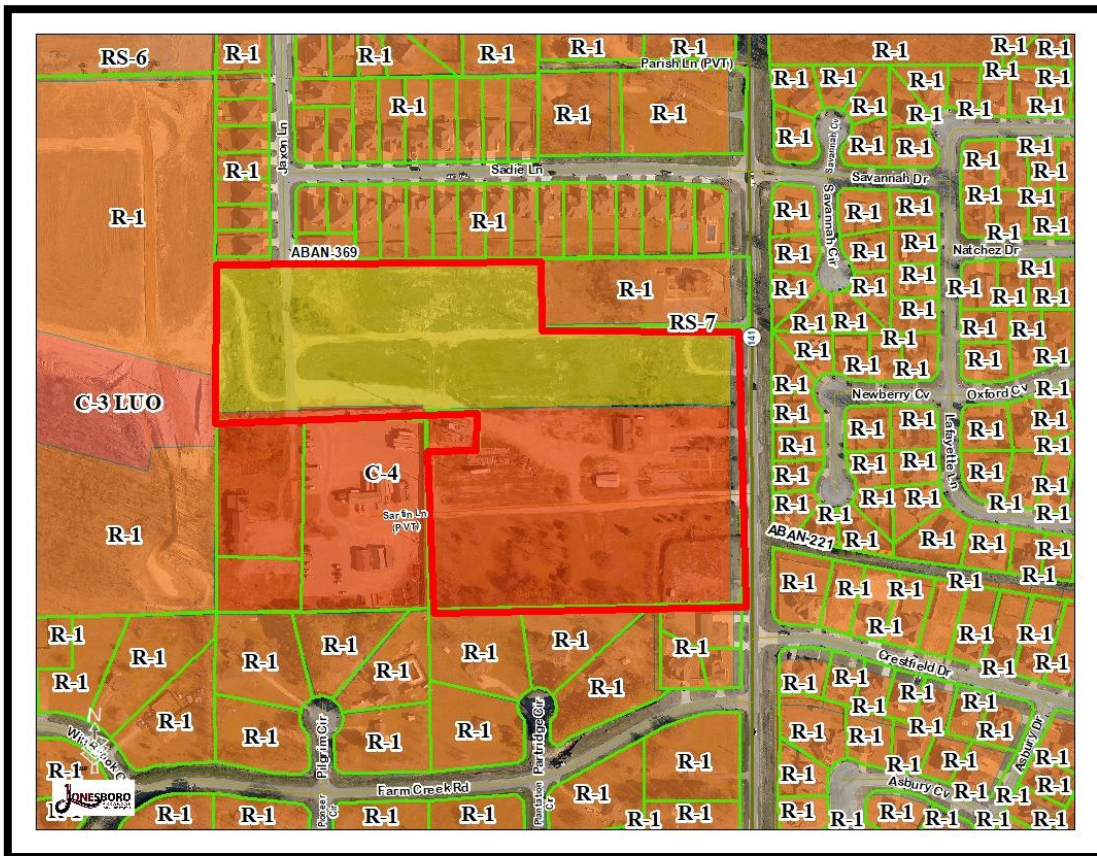
**Density:** Multi-family 8-14 Dwelling Units per acre

**Height:** 150 feet

**Traffic:** This will be located along arterial streets with high traffic volume.



*Land Use Map*



*Zoning Map*



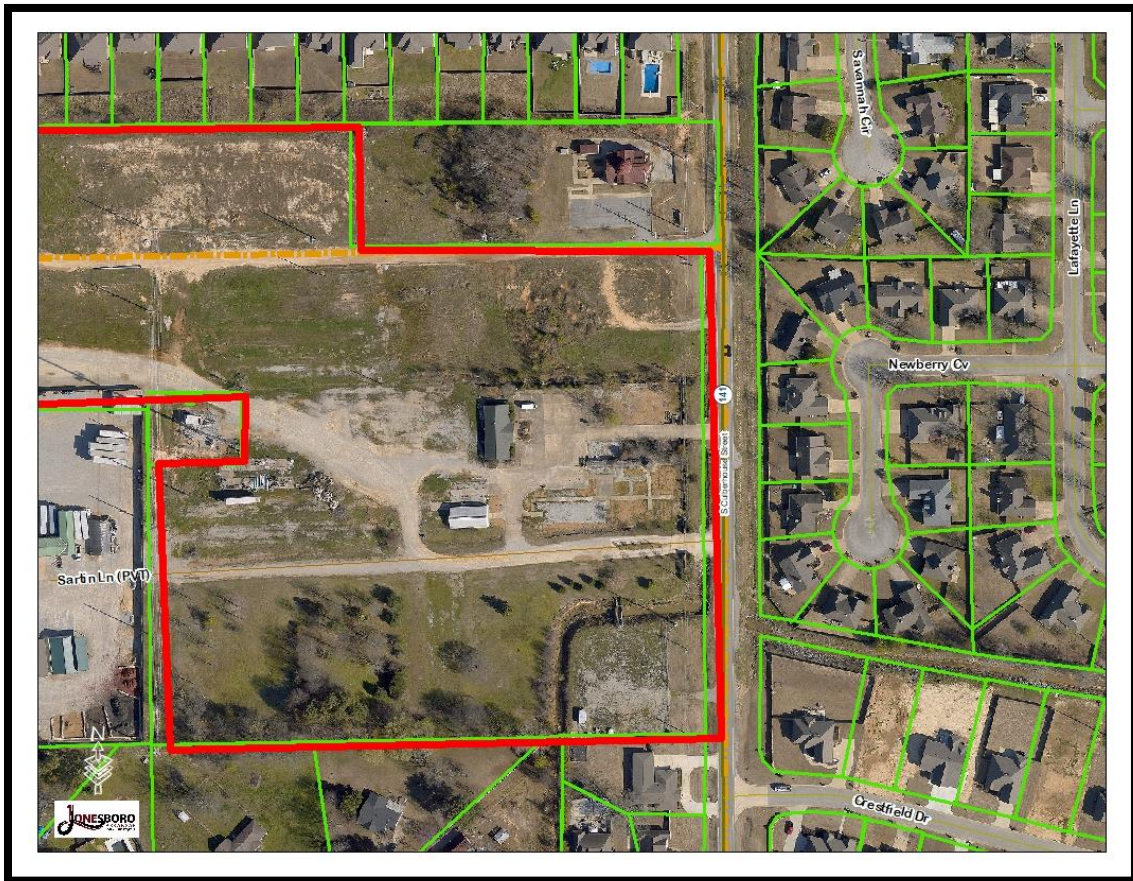
**Master Street Plan/Transportation**

The subject property is served by South Culberhouse Street, the Master Street Plan classifies this street as a **Collector Street**.

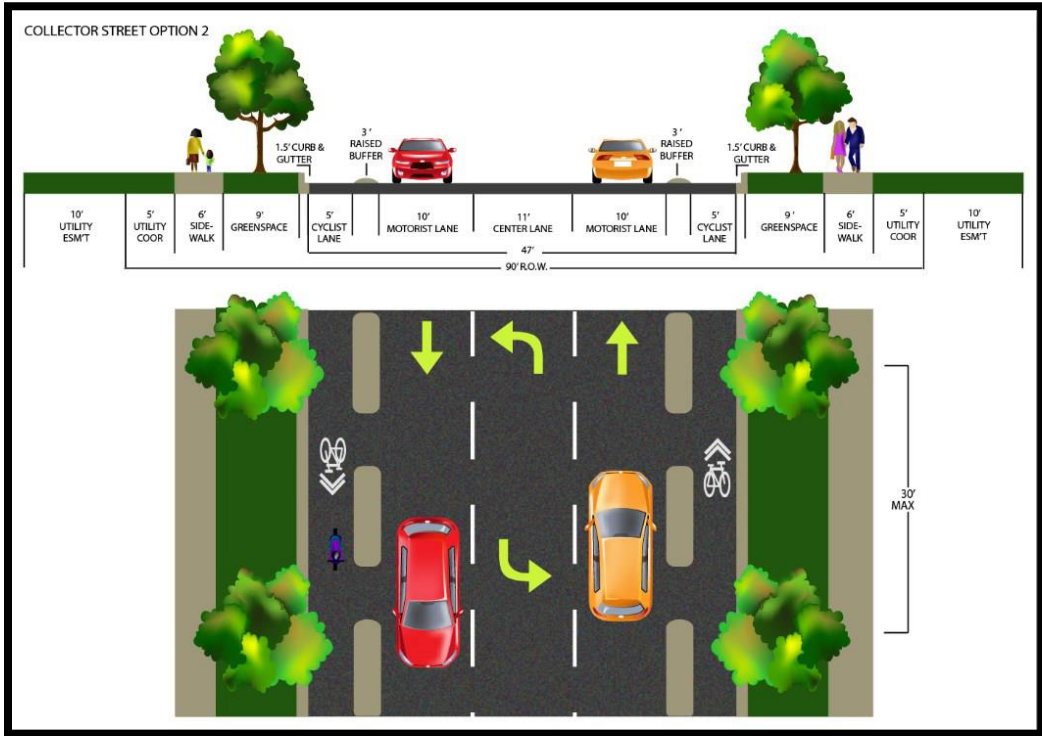
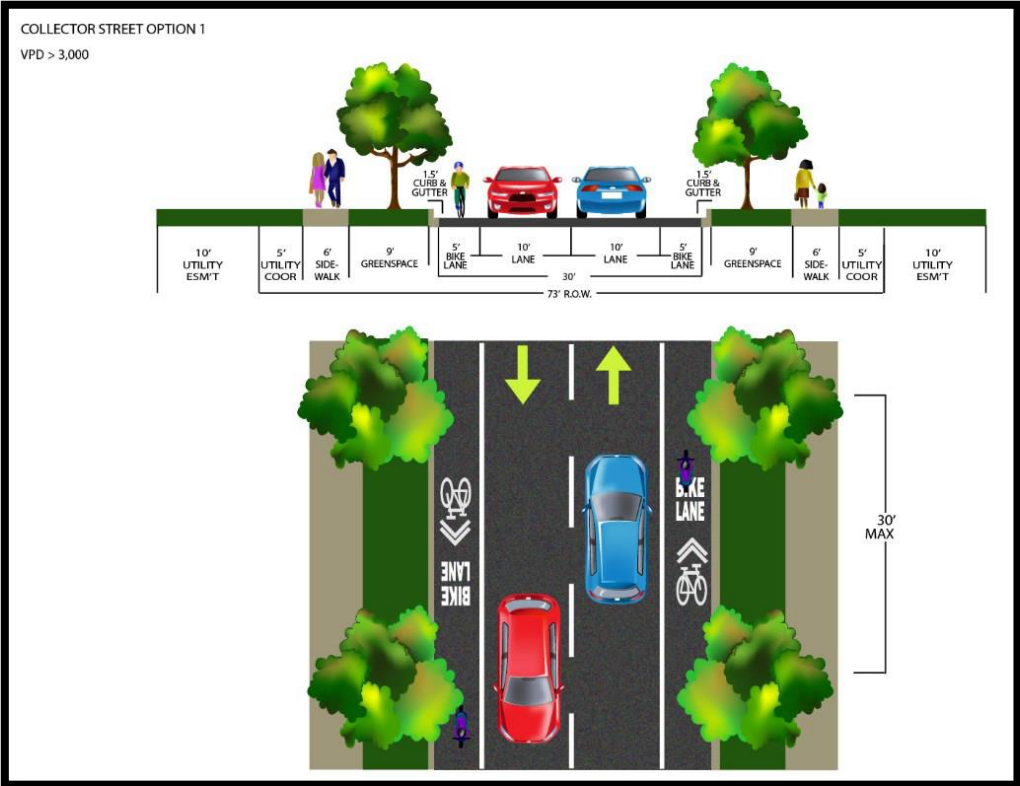
Collectors provide for traffic movement between arterials and local streets. They carry moderate traffic volumes over moderate distances and have a higher degree of property access than arterials.

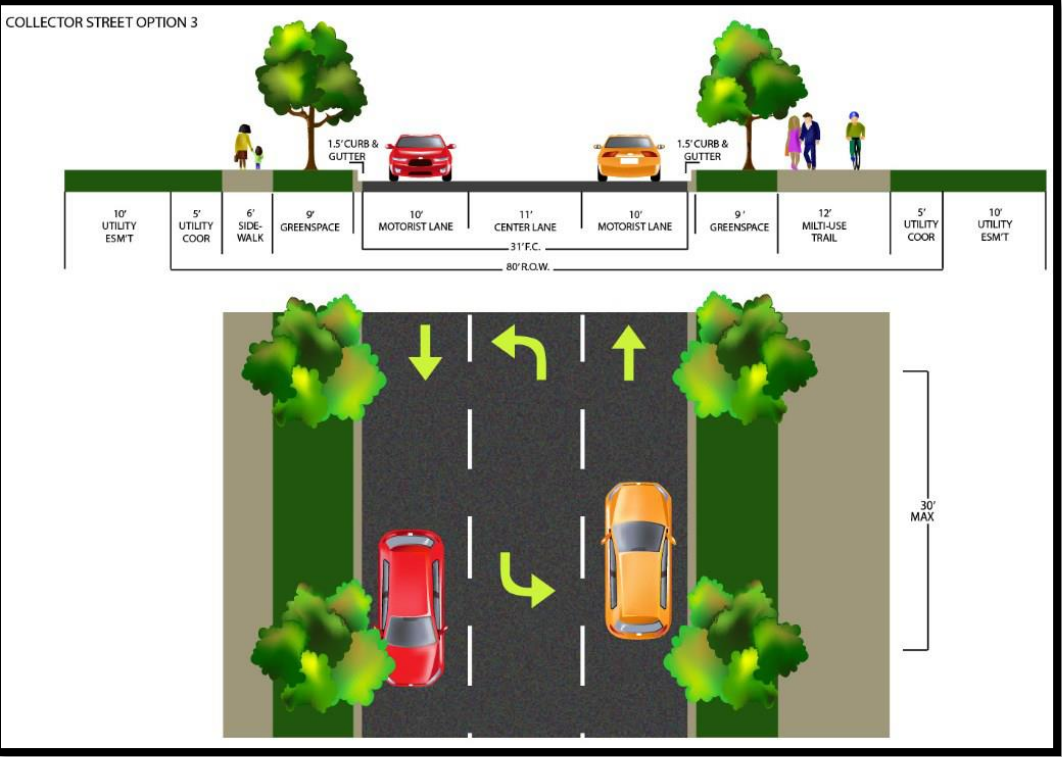
**FUNCTION:** A Collector Street is the traffic connection from Local Streets to Arterials, with the secondary function of providing access to adjoining property. The Collector system should not be continuous but should direct traffic to Arterials. This class of road is generally at a spacing of a quarter mile. At the time of the subdivision, the exact location and additional need for Collectors will be determined by the MAPC upon advice of the City Staff.

**DESIGN:** Cross-section selection shall be based on anticipated traffic volume and speed limit, or traffic impact analysis, if applicable. Design in accordance with AASHTO policy on Geometric design of highways and streets (current edition).









# Collector Street





**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 list on the next page.

Criteria	Explanations and Findings	Comply Y/N
<b>(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map</b>	The proposed district rezoning is consistent with the Adopted Land Use Plan, which is categorized as a High Intensity Growth Sector.	
<b>(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.</b>	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all District standards.	
<b>(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.</b>	Compatibility is not achieved with this rezoning considering the surrounding area is residential.	
<b>(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;</b>	Without the proposed zoning map amendment, this property cannot develop as a general/neighborhood commercial development.	
<b>(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;</b>	With proper planning there should not be any adverse effects caused by the property if rezoned to residential.	
<b>(f) 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</b>	Minimal impact if rezoned due to the fact that residential and commercial uses currently exist near this area.	



## Staff Findings:

### Applicant's Purpose

The proposed area is currently classified as "RS-7" single family residential and "C-4" neighborhood commercial. The applicant is applying for a rezoning to allow for general/neighborhood commercial use.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*.

### Chapter 117 of the City Code of Ordinances/Zoning defines C-3 & C-4 as follows:

*C-3, general commercial district.* The purpose of this district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial street. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

*C-4, neighborhood commercial district.* This district provides for limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations or other carefully selected areas. Buildings are to 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 issues were reported	
Streets/Sanitation	No issues were reported	
Police	No issues were reported	
Fire Department	No issues were reported	
MPO	No issues were reported	
Jets	No issues were reported	
Utility Companies	No issues were reported	CWL
Code Enforcement	No issues were reported	



## **Conclusion:**

The Planning Department Staff finds that the requested zone change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 23-12 a request to rezone property from “RS-7” single family residential and “C-4” neighborhood commercial to “C-3 LUO” general commercial with a limited use overlay and “C-4” neighborhood commercial; the following conditions are recommend:

1. 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 Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. The limited use overlay shall prohibit the following uses on Lots **1-9, 11-13 & 15**:
  - a. Cemetery
  - b. Communication Tower
  - c. Entertainment, Adult
  - d. Homeless Shelter
  - e. Medical Marijuana Dispensary
  - f. Pawn Shops
  - g. Freight Terminal
  - h. Agricultural, Animal
5. The limited use overlay shall prohibit the following uses on Lots **10 & 14**:
  - a. Auditorium or Stadium
  - b. Carwash
  - c. Cemetery
  - d. Communication Tower
  - e. Entertainment, Adult
  - f. Golf Course
  - g. Homeless Shelter
  - h. Hotel or Motel
  - i. Medical Marijuana Dispensary
  - j. Pawn Shops
  - k. Recreational Vehicle Park
  - l. Service Station
  - m. Sign, Off-Premises
  - n. Utility, Major
  - o. Utility, Minor
  - p. Freight Terminal
  - q. Agricultural, Animal

Respectfully Submitted for Planning Commission Consideration,  
The Planning and Zoning Department

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**Sample Motion:**

I move that we place Case: RZ 23-12 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property “RS-7” single family residential and “C-4” neighborhood commercial to “C-3 LUO” general commercial with a limited use overlay and “C-4” neighborhood commercial will be compatible and suitable with the zoning, uses, and character of the surrounding area.

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**MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON November 14, 2023**  
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RZ-23-12: REZONING: 3703 South Culberhouse Street

Michael Daniels is requesting a rezoning from RS-7, single family residential, and C-4, neighborhood commercial, to C-3 LUO, general commercial with a limited use overlay, and C-4, neighborhood commercial. This request is for 17.6 acres located at 3703 South Culberhouse Street.

A motion was made by Jimmy Cooper, seconded by Dennis Zolper, that this matter be untabled. The motion PASSED with no objections.

Michael Daniels (Proponent): Good evening, my name is Michael Daniels. I'm a professional surveyor with Craft and Towel and Associate and I'm representing Petrail Construction in tonight's rezoning request for 3703 South Culberhouse Road. We tried to simplify the map a little bit. It's a pretty complicated piece of property. Has a lot of easements, a lot of utilities on it. So, we got rid of those and made some shading to make it a little bit easier. This 17 acre track is currently a mixture of RS-7 and C4. Tonight, we're proposing to rezone this property to C-3 limited use overlay and C-4 limited use overlay. Limited use overlay we're proposing consists of 20 specific uses that restricted for these tracks. The limited uses apply to both the C-3 and the C-4 tracks equally. The pink shaded properties are the C-4 tracks, the blue shaded properties are the C-3 tracks. A couple of additional notes, this rezoning will require buildings on the C-4 tracks to be of residential character regarding outward appearance and we believe confidently this request is consistent with the city of Jonesboro's comprehensive land use program plan. I appreciate your time and I respectfully ask for recommendation to the city council for full rezoning. I'll take any questions about the rezoning if you have them.

Kevin Bailey: City Planner?

Derrel Smith (City Planner): Yes, sir. We reviewed this and we would recommend approval with the following conditions:

1. The proposed site plan shall satisfy all requirements of the city engineer, all requirements of the current storm water drainage design manual and floodplain regulations regarding unit of construction.
2. A final site plan subject, all ordinance requirements shall be submitted, reviewed, and approved by the planning department prior to any redevelopment of the property.
3. Any change of use shall be subject to planning department approval in the future.
4. The limited use overlay will include the following: cemetery, communication tower, entertainment adult, homeless shelter, medical marijuana dispensary, pawnshops, freight terminal, agricultural animal, auditorium, or stadium, car wash, golf course, hotel, motel, except for small boutique lodging, 30 rooms or less, recreational vehicle park, service station, off-premise signs, utilities major and minor, freight terminal, construction sales and service, and commercial parking lot.

Kevin Bailey: I know this has been discussed in the previous meeting, but it is a rezoning request. So, I'd like to open it up for public comments, is there anybody here who would like to

give comments about this rezoning request? If you would come up to the microphone, and state your name and address for the record please.

Wendy Spanos (Opposed): I'm Wendy Spanos at 304 Dunwoody Drive here in Jonesboro. I'm going to try to stay as calm and as collected as I possibly can. The first question I have is that I've been told that, there's an easement that is dedicated to the land that I need to get to. I still don't have clarity on what that looks like. I need to see that across this map. So that I see where that is, and does it go all the way back and how wide is it? What does it look like? Because what I'm seeing here looks as if it includes the boundary of the north side of that track too. In this picture it's lot 6 on the proposed plan, what does that do to me? Where does that put me?

Kevin Bailey (Chair): Michael do you have a response to that?

Michael Daniels (Proponent): We have a 60-foot, access ingress easement that goes across the north side of that track. It's 60 feet from the north line to the width of that easement. As far as it affects you, that access easement grants access from Culberhouse Road west, keep going and south, all the way.

Wendy Spanos: I'm confused, how do you have an egress easement through what is going to be lots, that you're proposing for C-4 and then to the south of it?

Michael Daniels: Because that is existing as it is right now. If and when the property is developed, that existing egress easement, will turn into an actual road, on the west end but you'll still have as far as we're concerned today that has the book and page on it that is the instrument.

Wendy Spanos: So the two dotted lines on the north side of the property and then south of that, that other dotted line that's the existing quote road that's there now?

Michael Daniels: I'm not sure about the road that's the access. That is the –

Kevin Bailey: Excuse me, this is a rezoning and I don't want to digress into layouts and accesses and we can't, we can't digress it. If you want to talk to the point of rezoning. Wendy we can hear that.

Wendy Spanos: That's one of the things I'm going to have to clarify at another time. So, my concern is that we're looking at a residential area that's been residential. It's covered in residential. The map shows that, my concern and I have a few things to show you that you probably, don't already have. But what it shows is

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Wendy Spanos: I think for the people that have bought the lots that Chris did initially, did not expect this to happen and to have it surrounded by either C-3 or C-4, I think C-4 is reasonable, I think C-3 is not reasonable for the people that have invested their money into all of the R-1 around it, in the community we have and I think it will greatly affect it. I have a letter here from Mark Reese. The first thing I want to say about that is that when I talked to Mark Reese about this, he had no idea that this was going on. I think many people don't realize what they're proposing in this area and I think that a lot of people that live around there are going to be very



affected by it and are not going to be for C-3. I don't think anyone has a problem with making a road across this area, if the road needs to exist to connect, there's already Sadie Lane that connects to Jackson that connects to that road already to get through that area. Just another point. I think that this Church that we built, my husband and I years ago, built it in a community where we did not plan on having it in a commercial zone. It's a very quiet, very small church. I have photos if you want to pass them through, if it matters. This church has been given to me. It is mine. I'm the custodian of it. My job right now is to protect the interest I have for the church and for the people that go to the church and for me, I live on that road. I've been on the road. I've very concerned about all that could happen if this goes C-3. Thank you so much.

Kevin Bailey (Chair): Thank you for your comments.

Michael Daniels: Just to clarify, all notices were sent out and copied to the city of Jonesboro. Signs in the time that was required. Signs have been placed. This has been on the agenda for several months. As of today we have no negative feedback to the city. We've sent out quite a bit of letters over 50 letters. So, thank you.

Adams Harden (In favor of): Adams Harden, 3703 South Culberhouse road. I'm on the south track there. And I was just say that on behalf of my business being there and the residents that are R-1 on the north side. I don't know if any of them are here, but the ones that were here last meeting, were for it. And they're ready to have a road come through and I think everyone's concerned about the zoning. But I think also, if they were that concerned they'd be here to argue against it. So it's been, I couldn't tell you exactly how many years since Sadie Lane got developed but I know that now that it wasn't that big of a deal before the western road which I guess is Jackson connected and now that, that's connected, that neighborhood is seeing a ton of traffic come through it and so, I think that the neighborhood would be pleased to this passed and I know Mark has sent a letter, but Mark's in Dunwoody. He's not that neighborhood. So, if they're fighting against it, then, they should be here.

Kevin Bailey: Yes ma'am.

Wendy Spanos: I know that letters were sent out to the people that surround the immediate area of this land it touches but all of the people that live along Culberhouse, it's our only outlet really to get in or out of where we lie. Mark Reeves is not here tonight because he had to be in Paragould for another meeting. Otherwise, he would be here and unfortunately a lot of people work and can't get here or didn't have the availability to get here to be able to stand in front of you. I do represent more people from my church. They cannot be here.

Kevin Bailey: Okay, Commissioners?

Jeff Steiling (Commission): I would just like to offer a few comments, at the last meeting, I voiced significant concerns about this and in the pre meeting yesterday I voiced concerns. The folks at Craft and Toll who are here tonight and Carol Caldwell reached out to me yesterday and then again today after meeting with Mr. Futrell and they've offered a pretty significant list of restrictive uses. That I can be pretty satisfied with. I know they have offered some things that they didn't feel good about. They've not offered quite everything I hoped for but I think it is a significant list and I can feel much more comfortable about what they have requested tonight.

Kevin Bailey: Any other comments Commissioners?

Jim Little (Commission): I have a question, is a service station the same thing as a convenience store?

Off-screen: They are two separate items on the list, so I assume it's different.

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Derrel Smith (City Planner): A service station would be more for automobile repair.

Jim Little: Is there another list, besides that list, that we're looking at?

Off-screen: Just comparing that list to what's in the ordinances. What would the entire list be on the ordinance?

Jim Little: So, these are the limited use or those are the limited uses?

Derrel Smith: Those are the limited uses. Of those.

Jim Little: So, you can have a convenience store?

Derrel Smith: You cannot have those.

Jim Little: You can't have those, but you can have a convenience store. Okay, I was just curious.

Dennis Zolper (Commission): So, that's the reason or the limited use overlay is so that we can, so it's not wide open. It's subject to a number of exceptions that you cannot put something on that land. So, those who are here, there is a lot of protection at this stage and again, this is a recommendation only to the city council. We only recommend.

### **COMMISSION ACTION:**

Mr. Jimmy Cooper made a motion to approve Case RZ: 23-12, as submitted, to the City Council with the stipulations that were read by the Planning Department:

1. 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 Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. The limited use overlay will include the following: cemetery, communication tower, entertainment adult, homeless shelter, medical marijuana dispensary, pawnshops, freight

terminal, agricultural animal, auditorium, or stadium, car wash, golf course, hotel, motel, except for small boutique lodging, 30 rooms or less, recreational vehicle park, service station, off-premise signs, utilities major and minor, freight terminal, construction sales and service, and commercial parking lot.

The motion was seconded by Mrs. Stephanie Nelson.

Roll Call Vote:

Aye: 5 – Stephanie Nelson, Jeff Steiling, Jimmy Cooper, Jim Little, & Dennis Zolper

Nay: 0

Absent: 3 – Paul Ford, Monroe Pointer, & Lonnie Roberts

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