

*City of Jonesboro City Council*  
**Staff Report – RZ 14-01 2001 Margo Lane Rezoning**  
Municipal Center - 300 S. Church St.  
*For Consideration by the Council on Tuesday, March 18, 2014*

**REQUEST:** To consider a rezoning of a parcel of land containing 0.41 acres more or less.

**PURPOSE:** A request to consider a recommendation to Council for a rezoning from “AG-1” Agricultural District to “C-3” General Commercial District.

**APPLICANT OWNER:** Jack Elam, Elam Enterprises, 5934 E. Highland Dr., Jonesboro AR 72402  
Same

**LOCATION:** 2001 Margo Lane, South Side of Highland Dr., West Side of Margo Lane.

**SITE DESCRIPTION:** Tract Size: Approx. +/- .40 Acres (17,340 s.f.)  
Frontage: Approx. 209.94’ +/- along E. Highland Dr.; 81.77 ft. along Margo Lane.  
Topography: Flat  
Existing Development: Single Family Home; detached storage sheds, storm shelter.

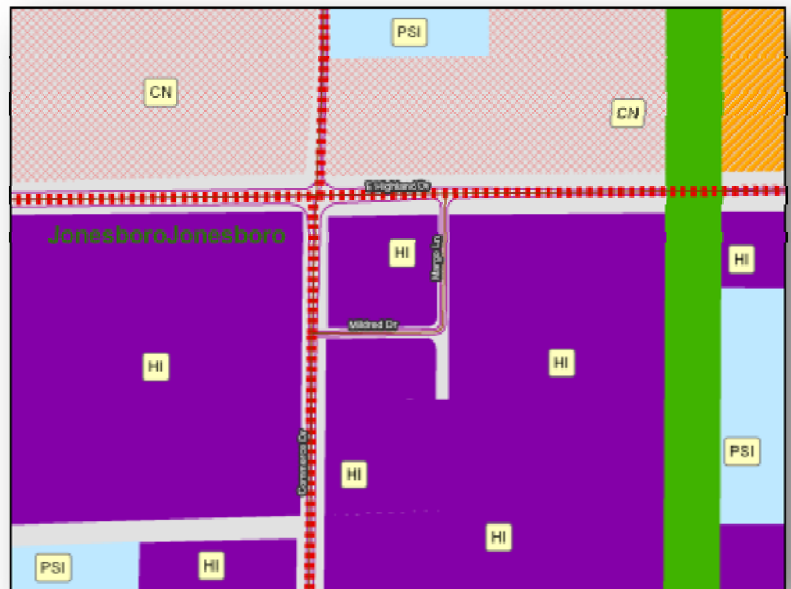
<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial
South:	AG-1	Single-Family Home
East:	AG-1	Single-Family Home
West:	C-3	Single-Family Home

**HISTORY:** None.

**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 not achieve consistency with the purpose of Chapter 117, if it is modified as Limited Use Overlay, and if it not combined with other adjacent properties. 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. <b>See Zoning Analysis Section Below. (Inadequate Lot Depth)</b>	
(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 1*

**Staff Findings:**

**Applicant’s Purpose:**

The applicant is requesting a change to a C-3 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 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 General Commercial District with no conditions, limitations, or Limited Use Overlay restrictions. Staff has immediate concerns, due to the fact that this tract of land is so shallow in depth from a major highway, which may cause setback, access issues that could impact State Highway 18/ Highland Drive. Staff cannot this rezoning as presented unless some form of Limited Use Overlay is considered, that will manage the future outcome of the existing home structure, and assure that any redevelopment of this tract of land is merged with future applications for rezoning of other abutting property that will lend for a more conducive development that will resemble good planning principles.

**Table 1:**

Dimension Requirements Commercial and Industrial Districts

<i>Dimension</i>	<i>CR-1</i>	<i>C-4</i>	<b>C-3</b>	<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'	<b>100'</b>	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 East Highland Dr. and Margo Ln. On the master street plan, East Highland 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 Margo Ln. is classified as a local street, which requires a 30 ft. right-of-way to road centerline (60 ft. total right-of-way). For East Highland Dr., the rezoning plat shows a sufficient amount of dedicated right-of-way, which ranges between 72.27 ft. and 75.03 ft. to the road centerline. For Margo Ln., the rezoning plat shows a 20.25 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 Marilyn 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.	
Streets/Sanitation	Reported no issues.	
Police	No issues reported to date.	
Fire Department	No issues reported	
MPO	No issues reported	
Jets	No issues reported	
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.

**MAPC RECORD OF PROCEEDINGS: Meeting Held March 11, 2014:**

**Mr. George Hamman**, Civilogic appeared before the Commission stated that he prepared the application for rezoning on behalf of the owners and stated that he has been through the staff report and find nothing objectionable. He feels that he can *pair-down* the permitted use in accordance with the highlighted uses on page 6 of the staff report. They are fine with option 2 as a motion on page 7 of the report.

**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 with the exception of lot depth and configuration. The minimum of 100 ft. was lacking. Calls have been received from real estate/property owners in the area who have inquired about rezoning adjacent property. Mr. Hamman noted that he was aware of at least 4 owners interested.

**Mr. Spriggs:** Noted that this area is highly favorable for rezoning and redevelopment to commercial, although there are still residential uses abutting. The difficulty that would result from the lot depth mentioned would be an issue of concern, if this one parcel is developed by itself. The concerns

highlighted (Table 2) on a number of uses on the subject property were raised due to the lot depth, because a number of the uses would not fit and would cause an adverse impact on any residential that were to remain to remain for a number of years. The converting of the existing single family home does remain an option. Regarding some of the permitted uses on the allowable list, staff is definitely open to that. This is the reason for the two options that were presented. Option 1 would be to table the issue as noted, until other property could be requested to be joined in on the petition for consideration or Option 2 as noted in Conditions 1-5 (below). Mr. Hamman concurred that he is fine with Option 2.

**Public Input:** None.

**Commission Deliberation:**

**Mr. Hoelscher** asked for an overview of the nature of the calls for the property.

**Mr. Spriggs** stated that he received a call from a real estate agent representing property owners and questions were raised as to the scenario of what would be the status of the single family dwellings if it were rezoned to C-3 General Commercial. Staff told them that the Planning Commission has the liberty to sunshine the residential uses until such time a site plan would come to the Commission for approval.

**Ms. Nix** stated that she read this and sees that the neighbors were not contacted, but the realtor did call you? **Mr. Spriggs** noted that he received a call from the realtor and a property owner. He also clarified that the rezoning was properly advertised and the required notices/signage were posted.

**Mr. Reese:** Looks to me like we will end up with a commercial lot surrounded by residential homes and they are asking for approval with no conditions nor limited use overlay?

**Mr. Spriggs** stated that Mr. Hamman and Mr. Elam have concurred and agree with the stipulations and the limited use overlay restricting certain uses. **Mr. Hamman** pointed out that some of those homes are actually zoned commercial abutting to the west, and he is requesting for this lot as well.

**Mr. Hoelscher:** How are we addressing the non-conforming lot size?

**Mr. Hamman** stated that it goes back to some of the original zoning ordinances and stated that when this was laid out, it was 210 ft. X 105 ft. deep when the subdivision was approved; and the State came in and widened Hwy. 18 (Highland Ave.), thus purchasing much of the right of way frontage and reduced the lot depth to what it is today.

**Mr. Hoelscher:** Do we need to address that specific issue?

**Mr. Spriggs** stated that it will take care of itself with Condition No. 5, which deals with building setbacks. If it were to go to Council for review and approval, they could not come back to the MAPC with a site plan that would be passable until the other properties are coordinated and consolidated (it will not fit). It is a progression that will occur.

**Commission Action:**

Motion was made by Scurlock to accept with the noted restrictions and with Option 2. Motion was 2<sup>nd</sup> by Mr. Dover.

**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).

---

The applicant agreed to consider 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 Permitted Uses, Table 2:**

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 home that would need to be *sunshined*, because it would become a *Non-conforming Use* within a new C-3 L.U.O. District that is not typically allowed. 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.

**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Jack Elam, should be evaluated based on the above observations and criteria, of Case RZ 14-01, a request to rezone property from “AG-1” to “C-3” General Commercial, and should be modified to address concerns of unreasonable commercial uses, should encourage consolidated development with other abutting neighboring tracts of land, and redevelopment of said tract should be restricted until such time other adjacent property is rezoned appropriately and consistently. It is important to staff that all the issues cited above be addressed by the applicant.

The MAPC voted unanimously to approve Case: RZ-13-20 on the floor for recommendation by MAPC to the City Council with the noted conditions, and we find that changing the zoning of this property from AG-1 Agriculture District to the proposed C-3 Limited Use Overlay District and that the rezoning will be compatible and suitable with the zoning, uses, and character of the surrounding, 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 future rezoning of adjacent property to the south that will make this tract of land more suitable for rezoning 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 subject site.



View looking southeast toward property located to the east of subject site.



View looking east toward property located to the southeast of subject site.



View looking southwest toward properties located to the south of subject site.



View looking northwest toward properties located to the north of subject site.



View looking west toward property located to the west of subject site.





View looking southwest toward property located to the southwest of subject site.