



*City of Jonesboro Council Council
Staff Report – RZ09-23 Elam/Yates
Huntington Building - 900 W. Monroe
For Consideration by Council on June 1, 2010*

REQUEST: A recommendation by MAPC to rezone property containing 3.93 acres more or less.

PURPOSE: To rezone a tract of land from R-1 to C-3 General Commercial.

**APPLICANT/
OWNER:** Civilogic
Elam Enterprises/Jack Elam
Yates Living Trust/David Yates

LOCATION: 5930/5934 E. Highland Dr.

**SITE
DESCRIPTION:** Tract Size: 3.93 Acres (170,972 sq. ft.)
Frontage: 425.32 ft of frontage along Highland Drive
Topography: Flat
Existing Dvlpmt: Commercial Structures, Auto/Trailer Sales
Nonconforming Use.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: C-3	General Commercial
	South: AG-1, I-1	Agriculture, Industrial
	East: C-3, I-1	General Commercial, Industrial
	West: C-3	General Commercial

HISTORY: Non-conforming businesses seeking compliance

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

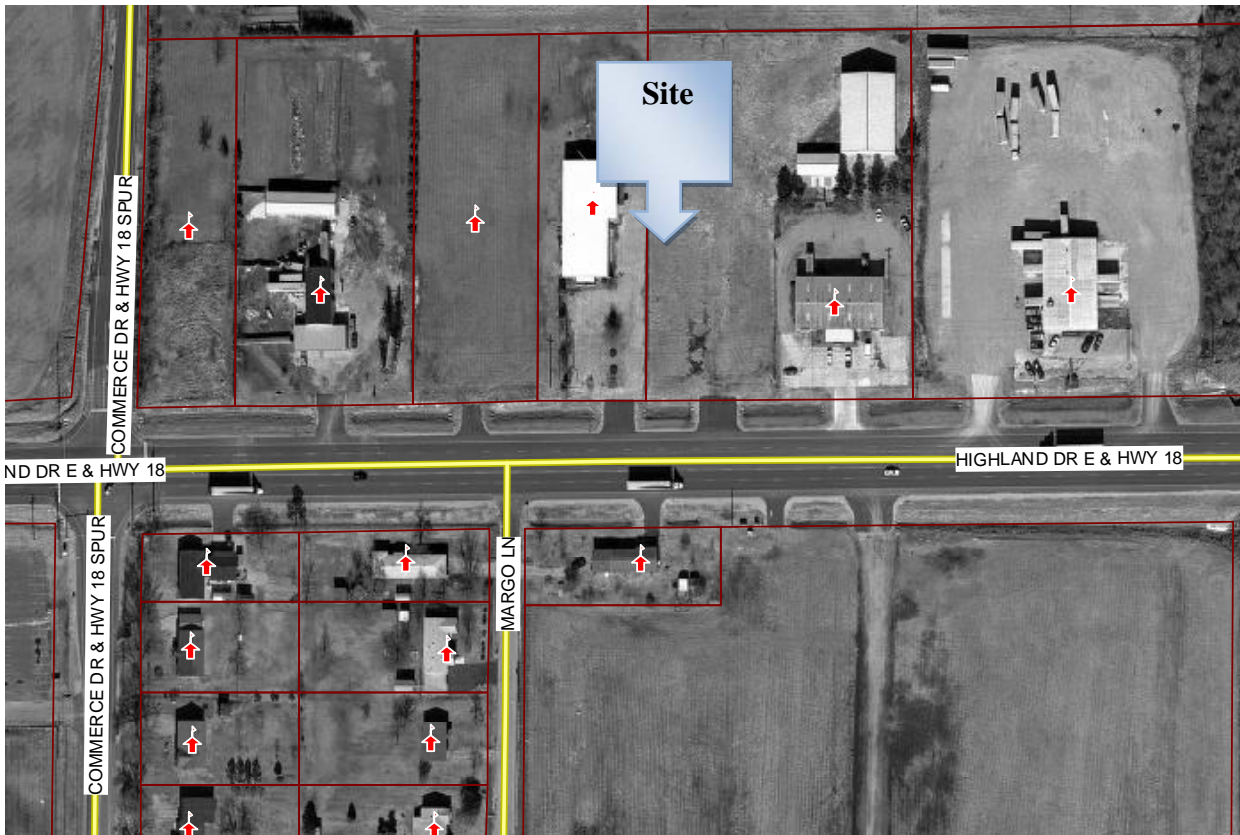
The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as. This area is currently being restudied by the Land Use Advisory Committee. The general area has been proposed as Commercial Node. The subject site is surrounded by land recommended for a Commercial Node and Planned Mixed Uses.

Approval Criteria- Section 14.44.05, (5a-g) - 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:

- (a) Consistency of the proposal with the Comprehensive Plan

- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (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;
- (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
- (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.



Aerial Map/ Vicinity Map

Findings:

The subject site is located on Highland Dr. just northeast of Commerce Dr. The area is predominately commercial with residential adjacent from the site. The applicant has requested a C-3 Rezoning for the said property; this would allow any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

Any planned modifications should be detailed, submitted, and reviewed by the MAPC. The lighting plan should be required to demonstrate compliance with the zoning ordinance. This will allow for controls and assurance that will protect the abutting residential properties. This parcel is one of the last designated R-1 property fronting on this side of Highland Dr. in this area, and the C-3 zoning would be consistent with surrounding properties. Please note that any stipulations would necessitate a Limited Use Overlay.

In the application, the applicant has requested to rezone the property to bring the current use into Zoning compliance. Staff would like to point out to the Commission that the existing "U-Park/U-Sale" Lot does not meet compliance with the parking lot standards of the Zoning Code, nor has any past approvals been granted by the City on such use. Future demonstration of paving the parking sales lot should be later achieved before the MAPC.

MAPC RECORD OF PROCEEDINGS: Public Hearing- December 8, 2009

Applicant: George Hamman, Civilogic presented: The Elam Enterprises parcel is surrounded by 3 different tracts Zoned C-3 on 2 sides, Agriculture to the south, with Industrial to the south. The parcel due east is zoned R-1 Single Family, but is a freight terminal that has been out of operation for a year or two now. Elam Enterprises did not rezone after being annexed into the city and would like to bring the buildings into compliance. Mr. Elam was told that they would be brought in at the proper Zoning.

No Opponents were present.

Mr. Kelton asked if the C-3 Commercial was the minimum district allowing this use? Are we giving them the ability to expand the uses? Mr. Spriggs stated that they are not proposing any expanded uses. Mr. George Hamman concurred. Mr. Spriggs added that it was stated in the staff report that there is a park and sell lot to the west that is not in compliance.

Staff is recommending a change to C-3 L.U.O. General Commercial; requiring the lot to the west brought into compliance with Zoning. Any type of future construction would need to be reviewed and approved by the MAPC in the future, as a site plan review.

Mr. Tomlinson asked what could be placed on the property under the Limited Use Overlay? Mr. Spriggs stated that all of the uses under the C-3 General Commercial will be allowed; subject to MAPC approval .

Mr. Kelton asked if the prosthetics office building currently could go in a C-4 Commercial District. Mr. Spriggs stated that if Elam Enterprises has other storage and equipment contractor's enterprise components under the current business, it would be more of a C-3 or I-1 Industrial use. Mr. Hamman stated that Jack has a couple of storage buildings in the rear; he uses that for restoration.

Mr. Kelton added that in 1995/1996 we advertised for those that were annexed in 1987 to come in and sign up for Non-conforming use within a certain time period. Mr. Kelton added that the real issue was that the person would be allowed to come in, as a minimum zoning classification necessary to meet the preexisting use of the property. He is familiar with the area and don't have an issue with this. Someone that follows these folks would want the same treatment.

Motion was made by Mr. Tomlinson to recommend C-3, L.U.O. General Commercial to City Council with the recommended staff conditions. Motion was 2nd by Mr. Lonnie Roberts. **The Case was recommended approved with a 6 to 0 vote, unanimously.**

Conclusion

The MAPC and the Planning Staff have reviewed the request and feel that all issues regarding impacts on the surrounding area have been considered. MAPC recommends approval to City Council for a change from R-1 Single Family Residential to C-3 L.U.O., General Commercial with the following stipulations:

1. That the final site plan and future proposed lot redevelopment shall be reviewed and approved by the MAPC prior to permit issuance. Such submittal shall include architectural and engineering drawings when applicable.
2. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
3. Cross-access easements to the property east and west shall be incorporated.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning Director
Planning & Zoning Department

Site Photographs



View looking east from the site.



View looking south along Highland Dr.



View looking west across from the site.



View looking northeast at the subject site.



View looking southeast along abutting property.



View looking south from subject property.