

City of Jonesboro City Council
Staff Report – RZ 14-08 401 McAdams Rezoning
Municipal Center - 300 S. Church St.
For Consideration by the Council on June 3, 2014

REQUEST: To consider a rezoning of 1 parcel of land containing 0.167 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “C-3” General Commercial District to “RM-12”, L.U.O., Duplex.

**APPLICANTS/
OWNER:**

Ms. Debra Barber, 293 CR 754, Jonesboro AR

Location:

401 McAdams St. (West side of Street), South of Hope Ave.

SITE

DESCRIPTION:

Tract Size: Approx. +/- 0.167 acres (7,275 s.f.)

Street Frontage (feet): 75 ft. along McAdams St.

Topography: Flat

Existing Development: Vacant Lot

**SURROUNDING
CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3 General Commercial	Single Family Res.
South:	R-2 Low Dens. Multi-Fam.	Singe Family Res. / Vacant
East:	R-2 Low Dens. Multi-Fam.	Vacant Commercial
West:	C-3 General Commercial	Single Family Res.

HISTORY:

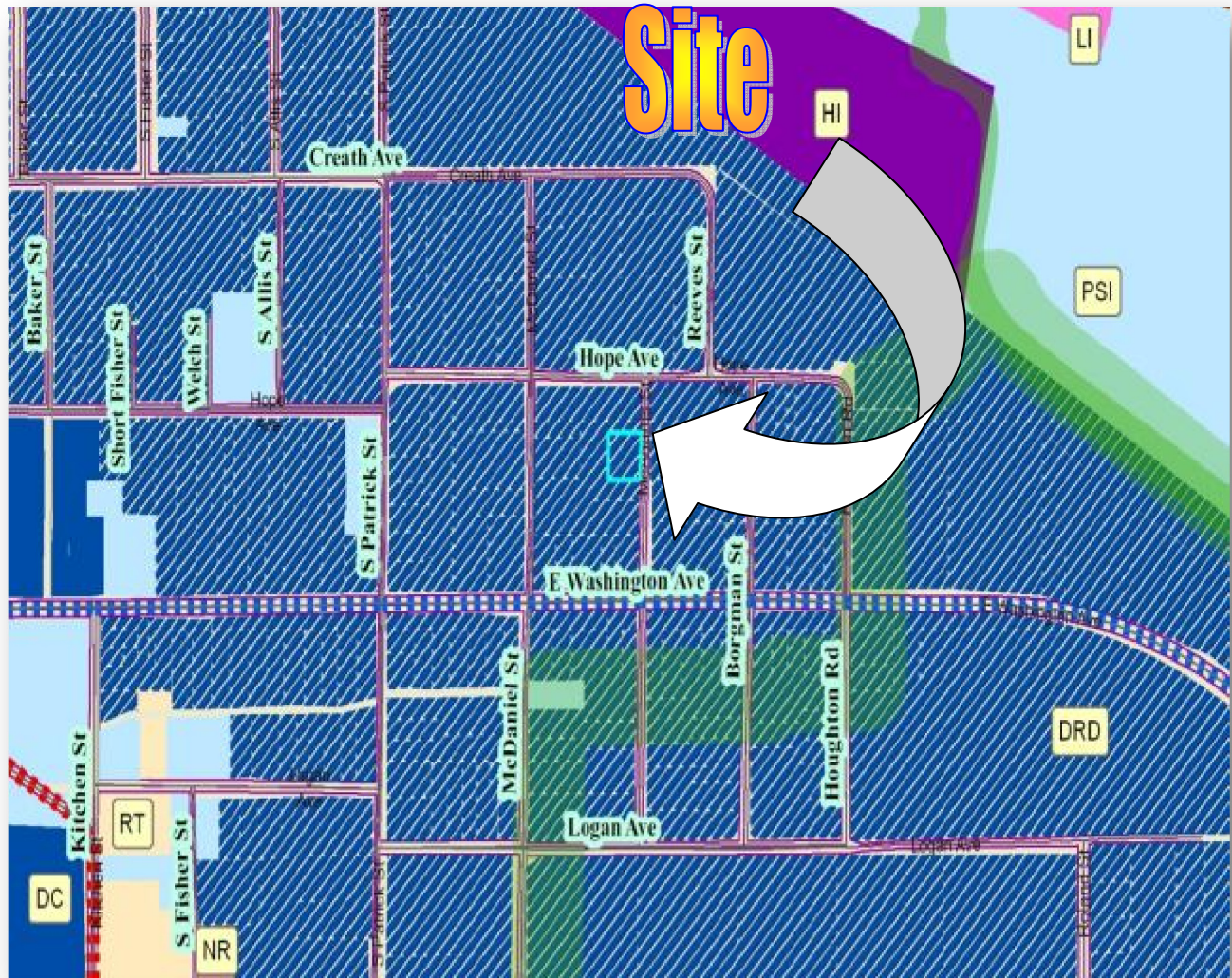
The site has no case history and has been Zoned C-3 since the adoption of Zoning. A similar rezoning occurred immediately east to R-2 from C-3 in 2003.

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 a Downtown Redevelopment District. The proposed rezoning is consistent and in compliance with the adopted Land Use Plan.










Current Land Use /Master Street Plan

Master Street Plan/Transportation

The subject property is served by McAdams St., which is classified as a local street, which requires a 60 ft. right-of-way/ 30 ft. from the road centerline. The rezoning plat illustrates an existing right of way of 25 ft. as far as staff can ascertain.

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 RM District rezoning is consistent with the Future Land Use Plan.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, as a Limited Use Overlay.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. The area has aging housing stock that is part of an area highlighted on the current land use plan as “Downtown Redevelopment District”.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	This land as zoned today is unsuitable under the current C-3 for commercial; rezoning is highly recommended.	
(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-2 and I-1 to the north. This site and use 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 vacant with the current C-3 zoning. It has consistently been used as residential since adoption of 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 RM-12, Limited Use Overlay.	



Vicinity/Zoning Map

Staff Findings:

Applicant’s Purpose/ Zoning compliance/ Other Zoning Code Analysis:

The applicant has requested a rezoning from a “C-3”, General Commercial District to an “RM-12” L.U.O., Duplex District. The following bulk dimension requirements for RM-12 are copied below. McAdams street is a local street whereas 30 ft. of right of way is requested by the Master Street Plan, which may cause some hardship due to the existing minimal depth of the subject lot.

The Planning Staff agrees with the previous City Planner in that this area is not conducive for C-3 General Commercial. It has retained its residential neighborhood character since early years.

The applicant has proposed a RM-12 Limited Use Overlay District rezoning with the intent of developing one duplex structure on the property. The minimum lot regulations are as follows per the Zoning Ordinance, Chapter 117:

<i>Zoning Classification</i>	<i>Minimum Lot Width (in feet)</i>	<i>Minimum Lot Area</i>	<i>Front Setback (in feet)</i>	<i>Rear Setback (in feet)</i>	<i>Side Setback (in feet)</i>
RM-12	80	3,630 s.f. per dwelling unit	25	20	15.0

The existing lot satisfies the minimum lot area requirement per unit with the existing gross area being 7,275 sq/ ft. The lot is reportedly 75 ft. wide which is 5 feet less the requirement. All building setback requirements must be met by the applicant.

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 to date.	Commented on the right of way-Pre/Post Approval
Streets/Sanitation	No issues reported to date.	
Police	No Objections	
Fire Department	No issues reported to date.	
MPO	Development would have very little traffic impact.	Area lacks sidewalks
Jets	No issues reported to date.	
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 are supplemental to 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: Public Hearing Held on May 27, 2014

Applicant: Ms. Debra Barber appeared before the Commission stating that she and her husband are seeking to rezone the lot which has been zoned C-3 to RM-12 for one duplex.

Ms. Barber noted that they own about four (4) duplexes in town. The buildings are roughly 1,600 sq. ft. in area. The proposed building will be all-brick with amenities such as concrete stained floors having 2 bedrooms/ 1 bathroom each.

Staff: Mr. Spriggs gave a summary of the Staff Report findings noting that the area was originally zoned as C-3 General Commercial surrounded by R-2 Multi-family; but has developed primarily as Single Family Residential, adjacent to I-1 Industrial along the rail road areas. The area is not conducive for C-3 General Commercial. The Land Use Plan recommends the area as Downtown Redevelopment District and this proposal will be consistent with the Land Use Map. Mr. Spriggs referred to the 2003 similar rezoning to R-2, just across the street from the site.

Comments were made concerning the right of way requirement of 60 ft. for McAdams which is a Local Street on the Master Street Plan. The existing street is narrow; therefore the applicant's surveyor needs to verify the right of way to accommodate any possible future improvements.

Mr. Spriggs noted that there were no objections from the other departments and agencies, from a traffic or enforcement stand point. The Engineering Department commented on the right of way preservation. The recommended conditions were read.

Public Input: None.

Commission Deliberation:

Mr. Scurlock asked about the rezoning plat and asked does it include one large square area with 3 lot divisions? Ms. Barber explained that it includes Lots 15, 16 & 17.

Mr. Kelton asked would it be better to have a variance granted for the rear yard setback to be reduced, and make available space to accommodate the right of way dedication? Mr. Michael Morris- Engineering and Mr. Spriggs concurred, *if they can accommodate the parking area*. Mr. Spriggs stated that a condition can be made that the site plan be subject to MAPC approval, and should reflect a design that accommodates a reduced rear yard that will allow for a 30 ft. right of way along McAdams, if at all possible. Ms. Barber stated that her contractor will take care of that.

Mr. Hoelscher asked should the Commission request that the 30 ft. be required, and send her to the BZA for a variance? Mr. Spriggs stated that the Code does not give the authority to the BZA to waive the right of way requirements, nor any land use density or use requirements. It would have to be approved by the MAPC.

Commission Action:

Mr. Scurlock made a motion to place Case: RZ-14-08 on the floor for consideration by the MAPC to the City Council with the noted conditions, and the MAPC finds that changing the zoning of this property from C-3 General Commercial to RM-12, L.U.O. for a Duplex, will be compatible and suitable with the zoning, uses, and character of the surrounding, subject to the noted stipulations. Motion was seconded by Mr. Hoelscher.

Roll Call Vote: (8-0) Vote Approval

Mr. Scullock- Aye; Mr. Hoelscher- Aye; Ms. Nix- Aye; Mr. Perkins- Aye; Mr. Reece- Aye; Mr. Bailey- Aye; Mrs. Schrantz- Aye; Mr. Kelton- Aye. Mr. Roberts chaired the meeting.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, is hereby recommended to the Council for approval of Case RZ 14-08, a request to rezone property from “C-3” General Commercial to “RM-12” L.U.O. Duplex subject to the following stipulations:

1. That the proposed development shall continue satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations.
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. The applicant agrees to comply with the Master Street Plan recommendation for McAdams as a local street.
4. 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 West



View looking northwest from subject property



View looking West



View looking southeast from site



View looking east towards McAdams from site



View looking West from site



View looking East across McAdams from Site



View looking North along McAdams towards Hope Ave.



View looking North along McAdams towards Hope Ave.



View looking Northeast towards Hope Ave.



View looking North on Commerce Dr., north of site entrance



View looking North on Commerce Dr., north of site entrance