

*City of Jonesboro City Council*  
**Staff Report – RZ08-30: Merrell Estates Rezoning**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the City Council on January 20, 2009*

**REQUEST:** A recommendation by MAPC to rezone property containing 3.94 acres more or less.

**PURPOSE:** To rezone: Tract 1: a parcel of 1.2 acres more or less that is requesting a change in Zoning from R-1, Single Family Medium Density to C-4 Limited Use Overlay Neighborhood Commercial.

Tract 2: a parcel of 2.74 acres more or less that is requesting a change in Zoning from R-1, Single Family Medium Density to C-4 Limited Use Overlay Neighborhood Commercial.

**APPLICANT/  
OWNER:** Fonda Lofton, Managing Member  
Three Sisters, LLC, 3004 Mockingbird Ln., Jonesboro, AR 72401

**LOCATION:** The subject site is located on the North side of Southwest Dr. (Hwy. 49 S.) and immediately West of Craighead Farmers' Coop. The site is further described as being approximately 2,865 ft. West of Maple Valley Drive and approximately 1,320 ft. East of Wilkerson Drive.

**SITE  
DESCRIPTION:** Tract Size: 3.94 Acres  
Frontage: Approx. 815'+/- ft. on Southwest Dr. Hwy. 49S  
Topography: Predominantly Flat  
Existing Dvlpmt: Undeveloped.

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1 Residence	Residential
South:	R-1 Residence & C3 Commercial	Single family Res./Commercial
East:	C-3	Craighead Co. Famers Coop
West:	AG-1 Residence	Undeveloped

**HISTORY:** A previous petition for rezoning of a parcel of property containing forty seven (47) acres more or less is on file. The areas considered were identified as Tract A, Tract B, and Tract C requesting a change in Zoning from AG-1 and R-1 Single Family Medium Density to R-1 and C-3 General Commercial. The R-1 Single Family was only approved under ORD 3636 on May, 2, 2006 by Council.

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

**MAPC Record of Proceedings:**

***The Metropolitan Area Planning Commission met on January 13, 2009 to consider this rezoning case and forwards a recommendation of approval with the following record of proceedings:***

Mr. Terry Bare appeared before the Commission to present the case, stating that for Conditions 1 through 7, the applicant agrees. With comments on the deceleration lane in the report, there is not enough room. The drive is located to serve that block of land limiting the access to the east side and west side. That driveway is 350 ft. from the existing street and the minimum requirement would be about 450 ft. We are limiting it to one drive off of Hwy. 49 to restrict the traffic.

Mr. Day asked why would we want to grant conditional use at this time for the retail. Mr. Bare stated that the owner is not looking for a huge superstore but a small market. All the land to the west of this area, there is no access or simple access other than going around to Hwy. 226. Fast food is a concern stated Mr. Day. Mr. Spriggs stated that the applicant could always come back for a conditional use for certain types of retail before the Planning Commission and that could be looked upon on a case by case basis.

Mr. Bare stated that he didn't see a problem with pulling the fast food from the list.

Mr. Tomlinson stated that cross access easements should be provided to the property to the west and addressed at each site plan review. Only the one driveway cut will be allowed on the west tract. Mr. Tomlinson asked if the one on the east should contain that cross access also (Next to the COOP property? He stated that he would like to see it extended to the COOP property line.

Motion by was made by Mr. Day to recommend approval of the rezoning with the staff conditions and the exclusion of the fast food condition use request and also add the condition requiring that there be a cross access easement parallel to Highway 49S for all tracts.

Neighborhood Commercial is forwarded to City Council, with the following conditions/stipulations:

1. That the percentage of total lot area for building footprint coverage shall be maintained at 20%.
2. That a minimum 10 ft. landscaped island shall be maintained along the frontage to provide sufficient street tree landscaping.
3. That a minimum 20 ft. buffer area (undisturbed with construction or parking) be implemented along the entire northern property line to allow screening for the residential subdivision to the north. And, that a continuous privacy fence be maintained along that perimeter.
4. Interior landscape islands shall be placed in the parking lot areas to prevent a complete island of pavement along the building front yards.
5. Off-premise billboard signage shall be prohibited.

6. A lighting photometric plan shall be submitted as part of the permit submittal demonstrating 0 ft. candles at the property lines of abutting residential property.
7. All future site plan proposals or developments shall be subject to final MAPC review and approval for the associated lots.
8. The need for a deceleration lane shall be satisfied if deemed necessary by traffic analysis or required by the Arkansas State Highway Department.
9. That cross access/ingress easements shall be required, parallel to Highway 49S for all tracts allowing for connectivity to neighboring properties.
10. The following list of uses shall be limited as part of the C-4 L.U.O.:

**LIMITED USES TO BE INCLUDED:**

ALL USES PERMITTED (P) IN C-4 ZONING AND,  
RETAIL SERVICE

**LIMITED USES NOT INCLUDED:**

FUNERAL HOME  
GOLF COURSE  
NURSING HOME  
UTILITY, MAJOR  
UTILITY, MINOR  
VEHICLE REPAIR, LIMITED  
VOCATIONAL SCHOOL  
COMMUNICATIONS TOWER

Motion was made by Mr. Day, 2<sup>nd</sup> by Mr. Roberts. [Mr. Tomlinson – Aye, Mr. Roberts- Aye, Ms. Norris- Aye, Mr. Day – Aye, and Mr. Hoelscher- Aye. (5 to 0)]

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

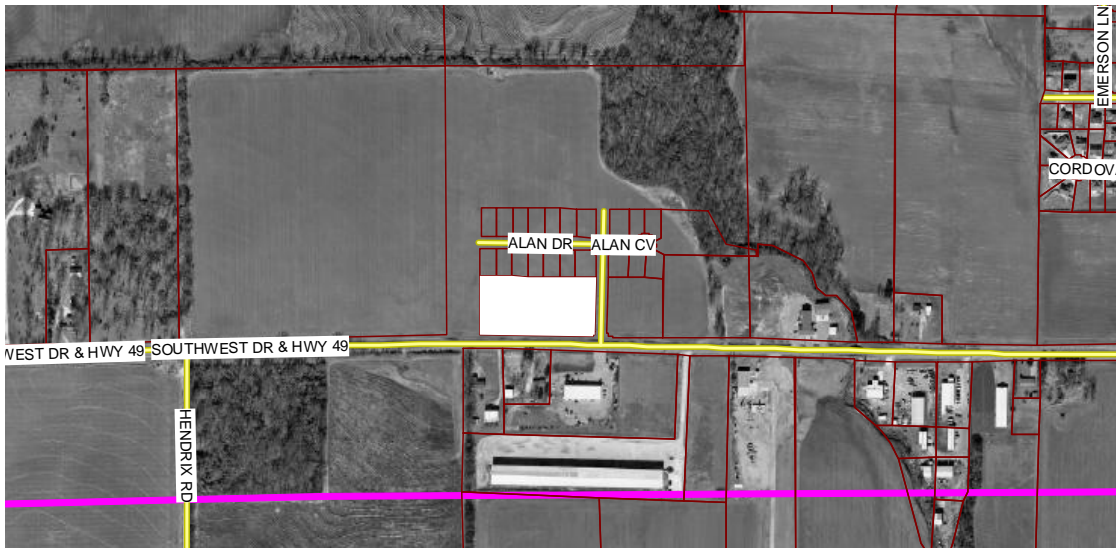
The Comprehensive Plan shows the area of the subject property as “Village Residential”. This is defined on Page 21 of the Comprehensive Plan as: Includes all future single-family residential, two-family residential, multi-family residential and manufacturing housing residential uses that are four or more units net per acre and that are in specifically designated areas. Supporting commercial uses of a neighborhood type and scale may be included on a selective basis subject to limitations in location, numbers, site application and appearance.

This area is under restudy by the Land Use Advisory Committee, and updates are forthcoming for adoption in the very near future. Staff recognizes that this area will transform due to the pending construction of the new 5-lane improvements on the highway frontage. Proliferation of piece-meal retail development should be discouraged, however consolidated development of neighborhood service oriented commercial will be a benefit to the area if access management is a priority in the site planning.

**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.



**Findings:**

This particular site was submitted in 2006 as stated above for a rezoning to C-3 along the frontage of Highway 49. Staff at that time stated that a more residential scale/ service oriented commercial zoning should be considered. This approach was taken in anticipation of the new construction now under way to add width to Highway 49 at this point.

The proposed rezoning does for the most part addresses those issues. However, the western tract (2.74 acres) is planned to have an access drive off of Highway 49S (approx. 350' West of Adam Dr.). Staff, in a preliminary meeting with the applicant suggested some form of access management that would allow safe traffic flow onto the commercial sites from the highway. The developer should perform some form of access/traffic analysis and consider a deceleration lane at that point to promote efficient traffic flow on Highway 49S once it is completed.

Under the C-4 District, the percentage of total lot area for building footprint coverage shall be maintained at 20%. With the typical layout of the eastern lot, the plans appear to comply with this standard thus far. The future parking areas shown on the typical layout should be shifted to allow for a minimum 10 ft. landscaped island along the frontage to provide sufficient street tree landscaping. A minimum 20 ft. buffer area (undisturbed with construction or parking) should be implemented along the entire northern property line to allow screening for the residential subdivision to the north. A continuous privacy fence should be maintained along that north perimeter. Interior landscape islands should be placed in the parking lot areas to prevent a complete island of pavement along the building front yards.

**Conclusion**

The MPAC and Planning Staff has reviewed and suggested possible approaches to the commercial proposal. As noted above in the Record of Proceedings, the MAPC unanimously voted (5 to 0) to recommend that the rezoning of the subject property from R-1 Single Family to C-4 L.U.O. Neighborhood Commercial be forwarded to City Council, with the above conditions/stipulations.

Respectfully Submitted for City Council Consideration,

Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



View Looking East from Adam. Dr.



View Looking West along Hwy 49



View Looking North at Intersection of Hendrix Rd. & Hwy 49



View looking North on Adam Dr.



View Looking West along Hwy 49



View Looking North from Hwy 49



View Looking East along Hwy 49



View Looking South from Adam Dr.



View Looking West from Adam Dr.