



*City of Jonesboro City Council*  
**Staff Report – RZ 13-23: Rezoning – Casey’s Stallings Lane**  
**Municipal Center – 300 S. Church**  
*For Consideration by the Council on Tuesday, January 21, 2014*

**REQUEST:** To consider rezoning a parcel of property containing approximately 1.55 acres more or less.

**PURPOSE:** A request for rezoning from C-5 Neighborhood Commercial and R-1 Single Family Residential to C-3, L.U.O, General Commercial District- Convenience Store/Fuel Station, as recommended for approval by the MAPC.

**AGENT/ OWNER:** Kevin McClaffin, Project Manager, Morrison Shipley Engineers Bentonville, AR  
 Herb Stallings, 1207 Dove Rd. Jonesboro, AR 72401.

**LOCATION:** 2904, 2906 Stallings Lane, Jonesboro AR  
**SITE DESCRIPTION:** Tract Size: Approx. 1.55 acres  
 Frontage: None on Old Greensboro Rd. (Access off of Rios Lane (Private))  
 Topography: Gradually sloping  
 Existing Developmt.: Residential structures (Mobile homes/single family home)  
 Rios Lane is a gravel road

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
	North: I-1 Industrial	Warehousing
	South: C-3	Commercial
	East: C-3	Vacant Commercial
	West: C-3 L.U.O.	Commercial

**HISTORY:** Abutting property was previously rezoned along Rios Drive. Ordinance 08:047; Rezoned to C-3 L.U.O.

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

**Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 Limited Use Overlay District rezoning is consistent with the Future Land Use Plan.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose of Chapter 117.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible with the development trends in the area. Although some of the surrounding property is zoned for residential use, a transition of the zoning and land use is occurring on this immediate site and property. The majority of the was rezoned previously for neighborhood commercial.
(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 at a major commercially developed area. Suitability for general commercial is feasible.
(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 C-, C-5, R-2 and R-3. 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 R-1 or C-5 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.

**COMPREHENSIVE PLAN/ FUTURE LANDUSE MAP**

The 2010 Comprehensive Plan Future Land Use Map shows the area recommended as Neighborhood Retail (NR). This area is pending a restudy on the land use map by the Land Use Advisory Committee and will most likely maintain a Neighborhood Retail

status. *Consistency is achieved with the adopted Land Use Map.*



Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.



**Vicinity Zoning Map**

**Master Street Plan/Transportation**

The subject property is served by a City Street- Stallings Drive, and Stadium Blvd (Hwy. 1). The proposed ingress/egress is proposed off of Stallings Dr. Stallings Drive is categorized as a local street and Stadium Blvd. is a Principal Arterial. Adequate right of way dedications must the minimum requirements of the Master Street Plan.

**Other Departmental/Agency Reviews:**

Department/Agency	Reports/ Comments	Status
Engineering	Ongoing review; Traffic management plan should be submitted.	Recommended from Planning, MPO & Engineering Staff
Streets/Sanitation	No issues noted with this proposal.	
Police	Pending	
Fire Department	No issues noted.	
MPO	Ongoing review; Revisions have been made. See Notes above.	
Jets	No issues noted with the proposal.	
Utility Companies	Ongoing review; No Comments or issues.	Suddenlink present at MAPC Hearing

## **MAPC Record of Proceedings: Public Hearing Held – January 14, 2014**

**Applicant:** Mr. Kevin McClafin (agent), on behalf of Herb Stallings (owner) appeared before the Commission stating that the property is located on 1.5 acres located on the northwest corner of Stallings Road and Stadium Blvd. The property is currently zoned R-2 and C-5 for neighborhood commercial. We are planning to rezone the property C-3, Limited Use Overlay (L.U.O.).

### **Staff:**

Mr. Spriggs gave staff summary comments: Consistency is achieved with the proposed Land Use Plan recommendations and the Master Street Plan in terms of right-of-way width recommendations.

The various departments and reviewing agencies have had an opportunity to review the proposed layout under the Limited Use Overlay process. The M.P.O. office forwarded comments and recommends that the proposed drive be resituated more towards the west property line. Moving the drive as far away from the intersection as possible is ideal, otherwise stacking-egress conflicts will result with site traffic. (As shown on the aerial view, even under existing traffic conditions, intersection queues extend beyond the proposed drive.)

See Staff Report analysis below for other covered comments.

### **Public Input:**

**Dwayne Sims, (Opposition appeared with other residents (approx. 8).** 1304 Pardew St.: Stated that he lives down from Red Wolf Blvd. in the fourth house from the location of the land proposed. For us that live on Pardew, it is an issue of quality of life. Every since they opened Stallings Lane to Stadium, we have had a tremendous amount of traffic turning on Stallings Lane, coming on to Pardew Dr., and hitting Nettleton Ave. They are trying to avoid the Nettleton Ave. intersection, even though the City just finished the turn lane on Stadium. In the mornings and when they are coming home at about 5:20 pm, the traffic will back up to Stallings Lane from Red Wolf Blvd., just past Pardew and sometimes past Oakdale Dr. , the next street over. To put another reason for people to stop and do something will put a burden and add a large amount of traffic to deal with. This will be a quality of life issue. There are some other people that live on the upper end of the street, and we all feel that this would not be a good addition and we feel it should remain as it is, without additional commercial buildings there.

**Chair closed public debate.**

### **Commission Deliberation:**

Mr. Kelton asked in relation to the intersection of Stallings Lane to Pardew St. , where will the entrance be? Mr. McClafin illustrated on the layout where the drive would be and stated that the intent is to move it as far away from Stadium as possible. It may shift a little further west.

Mr. Hoelscher: Stated that his main concern beyond traffic is this particular type of establishment is typically over lit by lighting at night. As he understands- by City Ordinances, we are trying to maintain lighting from spillage on to adjacent properties. Depending on hours of operation, the spillage of light will be difficult to avoid.

Mr. McClafin: Yes, to an extent, but they have light fixtures that have cut-off to where it won't go past the property line, and they can use those on this site. They will also have a 6- ft. wood fence facing the residential and also landscaping as a screen. Mr. Hoelscher: What are the proposed hours of operation?

Mr. McClafin: Typically, they operate from 6am -11pm, 7 days a week.

Mr. Reece: Spoke on the issue of quality of life. That whole area has been owned by the Stallings family. If it were a quality of life thing, he stated he didn't feel the owners would do that. They

wouldn't do anything to affect the quality of life of that property or anyone else's property. If this one doesn't come, then something else will come, and there would be some form of commercial on that corner. This situation here may slow down the traffic on Stallings Lane. The Stallings family would have as much to lose as the residents on Pardew and Oakdale Dr.

Ms. Nix: On the driveway, will there be only one into the business? Mr. McClafin: Yes. My thought is to have it away from Red Wolf as possible. Ms. Nix: As Mr. Spriggs has mentioned, are you agreeable to that?

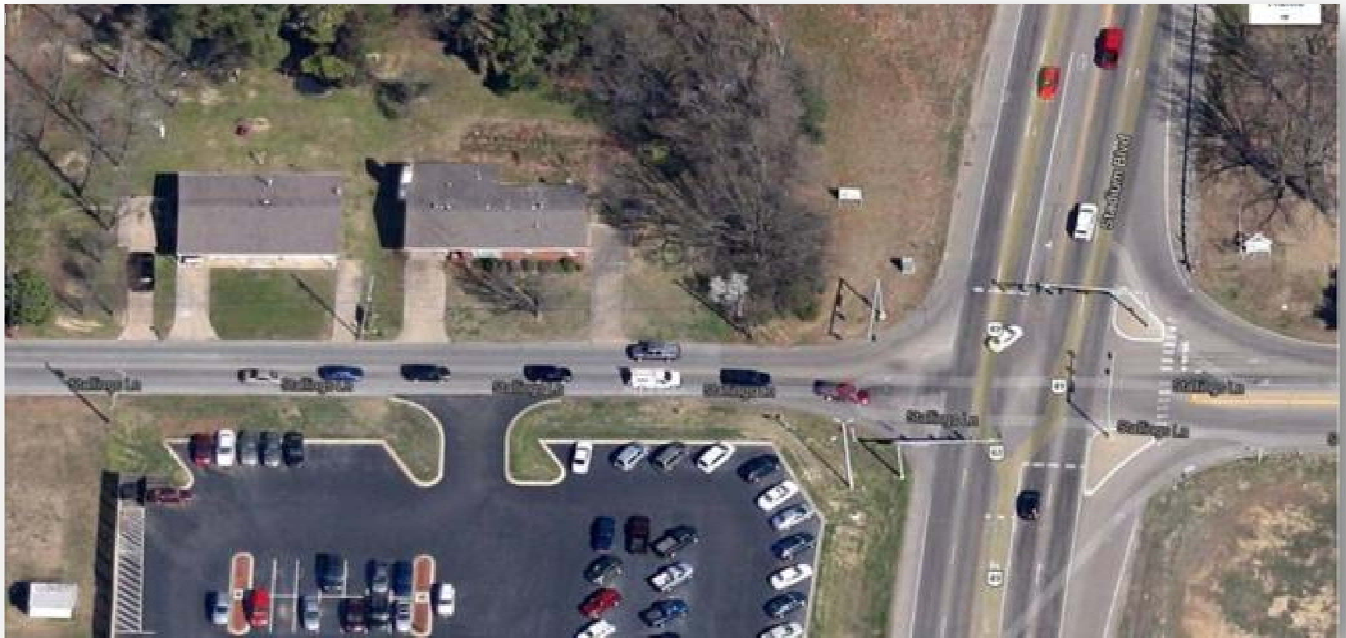
Mr. McClafin: Stated yes. And as he has stated- we will be doing a traffic study and bring it back to the MAPC. And, we have to bring our site plan back with the traffic analysis, for review by the Planning Commission. During that review process, we will be tweaking the site layout per the City's recommendation.

**Commission Action:**

Motion was made by Mr. Reece to approve the request and adopt the rezoning per the staff recommendations and stipulations, with a recommendation to the City Council as stated.

Motion was 2<sup>nd</sup> by Mr. Joe Tomlinson

Mr. Scurlock- Aye; Mr. Hoelcer- Nay; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Nix- Aye; Mr. Dover- Nay; Ms. Schrantz- Aye. Mr. Tomlinson- Aye. Measure passed 6-2.



**MPO Review/Comments:** The MPO staff has reviewed the proposed site plan and recommends that the proposed drive be resituated more towards the west property line. Moving the drive as far away from the intersection as possible is ideal, otherwise stacking-egress conflicts will result with site traffic. (As shown above, even under existing traffic conditions, intersection queues extend beyond the proposed drive.)

It appears that good site circulation could be achieved by re-orienting the building and pumps to run parallel with Stallings instead of Stadium and that there is room enough within the illustrated setbacks to re-orient the structures. Relocating the drive to the west property line would create an opposite left alignment with the drive

on the south side of the street (minimizing turn-in conflicts between the drives), and the drives would be far enough apart that jog maneuvers wouldn't be possible.

After reviewing the proposal further, City staff highly recommends that the developer be required to do a traffic impact analysis due to existing traffic conditions, the type of use proposed, and the number of proposed gas-station pumps.

**Other Zoning Code Analysis:**

**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.

The applicant has proposed a C-3 Limited Use Overlay District rezoning with all uses permitted as follows:

- Convenience Store
- Retail/Service
- Service Station

The subject site has two zoning districts: Zone C-5 (Neighborhood Commercial District) and R-2 (Single-Family Residential District). There are currently two single-family houses on this site, with two out-buildings. There are five residential driveways on the north side of Stallings Lane along this property frontage. There are five lots proposed to be rezoned (lot 9, 19, 20, and a part of lot 10 and a part of lot 18 of Stallings 5th Addition to the City of Jonesboro). The total site area is approximately 1.55 acres.

This application for a zoning ordinance map amendment is being submitted to request rezoning the site from Zone C-5 and R-2 to C-3 (General Commercial District).

The proposed use for this site is a Casey's General Store, which will serve as a **convenience store with fuel sales**. This use is not permitted within the C-5 zoning district or within an R-2 zoning district, which is why Casey's is submitting this rezone request. The two streets fronting this site have a significant amount of existing traffic, and the developer has determined that it is a good location for the proposed convenience store. Casey's does not try to create additional traffic flow/or trips, but rather they target existing traffic flow. The applicant stated that this is a well-travelled location, and people utilizing this area will benefit from a convenience store here.

**Project Details:** The proposed Casey's building is 4,346 square feet with a 66' x 144' canopy over the fueling bays in front of the building. There are 17 proposed parking spaces in addition to 20 fueling bays (10 fuel pumps). The proposed parking lot will be concrete pavement with concrete curb and gutter. The proposed dumpster enclosure will be a 6' tall brick screen wall with wood swing gates, and will be located on the north side of the building. Site lighting will be provided in the parking lot as well as on the exterior of the building and the overhead canopy. The site lighting is designed to minimize any affects on the adjacent properties by reducing the proposed lighting to minimal or none at the property lines. A pylon sign (approximately 24.5' tall at top of sign) is proposed along the east side of the property, fronting along Stadium Boulevard (Highway 49). This development proposes one entrance on the north side of Stallings Lane, approximately 230' from the intersection of Stallings Lane and Stadium Boulevard. The five existing residential driveways will be removed and concrete curb will be installed to eliminate access at these points accordingly.

This project is still in the preliminary planning stages, and site design work has not yet begun in detail. However, the preliminary site plan has been submitted to the City of Jonesboro reviewing departments and other agencies for advisement. Several revisions have been made to the site plan accordingly, per city staff comments and utility agency concerns. Based upon preliminary research, it is the applicant's understanding that sanitary sewer and water are located along the Stallings Lane frontage and can be utilized to serve this site. After a preliminary meeting with City Water and Light, a three phase electric source will need to be extended to our proposed site from the southeast corner of Stallings Lane and Pardew Street, which is approximately 145' to the west. Also based upon preliminary site review, storm water detention will be provided on-site to help reduce storm water to ensure that this development will not increase storm water runoff. The onsite drainage system will likely tie into an existing drainage swale located along the west side of Highway 49.

If this rezone request is approved, Casey's will proceed with site plan review and prepare civil design plans and architecture plans in January/February of 2014 and hope to begin construction within two to three months of plan approvals.

**Conclusion:**

The MAPC and the Planning Department Staff find that the request to rezone the property from "R-1 Single Family Medium Density to a proposed C-3 Limited Use Overlay District submitted for Case RZ 13-23 for a convenience store/fueling station, should be evaluated and approved based on the above observations and criteria. The following are included in the requirements that will apply:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. 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.
3. The developer agrees to submit a traffic impact analysis due to existing traffic conditions, the type of use proposed, and the number of proposed fuel pumps. Findings and final site design shall be subject to MAPC approval during the Site Plan Review Process, and shall be coordinated with the State Highway Dept., City Engineering Dept. and the Planning Departments.
4. The setback, building height, screening, and site design standards are required per "Sec. 117-328. - Residential Compatibility Standards".
5. That the future use of the property be limited to the list of uses above (Limited Use Overlay) as approved by the MAPC.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP - Planning & Zoning Director

# Site Photographs



View looking northeast from Stallings Lane toward subject site.



View looking northwest toward 2900 Stalling Lane located west of site.





View looking south from subject site toward property located on the southwest corner of Stadium Blvd. and Stallings Ln.



View looking southeast from subject site toward property located on the southeast corner of Stadium Blvd. and Stallings Ln.



View looking east from subject site toward property located on the northeast corner of Stadium Blvd. and Stallings Ln.



View looking north from Stallings Ln. toward the Stadium Blvd. street frontage for subject site.



View looking north toward northern portion of subject site with 2935 East Matthews in the background.



View looking northeast toward northern portion of subject site with 2905 Bernice Cir. in the background.