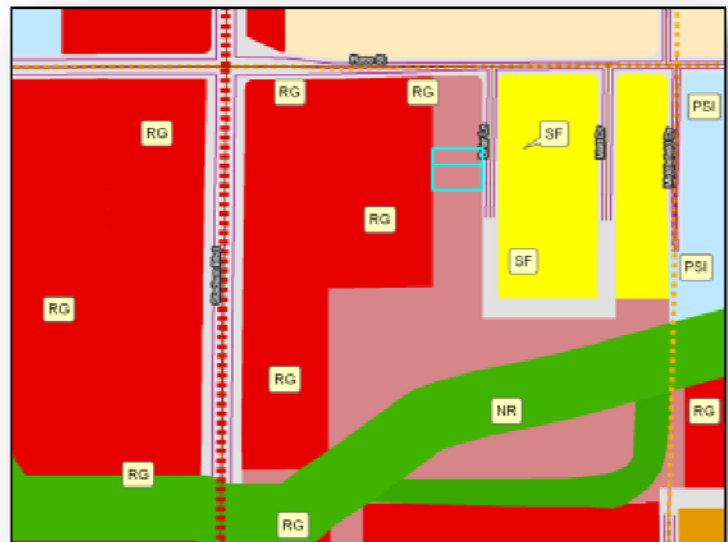


*City of Jonesboro City Council*  
**Staff Report – RZ 14-02, Briar Lane Rezoning**  
Municipal Center - 300 S. Church St.  
*For Consideration by the Council on March 18, 2014*

- REQUEST:** To consider a rezoning of a parcel of land containing 0.52 acres more or less
- PURPOSE:** A request to consider recommendation to Council for a rezoning from “R-1” Single Family Residence District to “I-1” Light Industrial Commercial District.
- APPLICANT OWNER:** Herman & Vivian Alston, 1304 Leominister Cove, Jonesboro AR 72401  
Same
- LOCATION:** Briar Lane, East Side of Briar, south of Race Street
- SITE DESCRIPTION:** Tract Size: Approx. +/- .52 Acres (22,500 s.f.)  
Frontage: Approx. 150’ +/- along Briar Lane  
Topography: Flat  
Existing Development: Mini-warehousing
- | <b>SURROUNDING CONDITIONS:</b> | <u>ZONE</u>      | <u>LAND USE</u>        |
|--------------------------------|------------------|------------------------|
| North:                         | C-3 L.U.O.       | Commercial, Vacant     |
| South:                         | I-1 Industrial 1 | Industrial, Vacant     |
| East:                          | R-1              | Single-Family Homes    |
| West:                          | C-3              | Commercial Lumber Yard |
- HISTORY:** Legal Nonconforming Use as Mini-warehousing.
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zoning Change and offers the following findings.

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Current/Future Land Use Map recommends this location as Neighborhood Retail Commercial. The proposed rezoning is not consistent with the Land Use Map. However, with the proposed rezoning will bring property that is currently a Grandfathered Non-conforming use into compliance with the abutting I-1 Light Industrial District.











**MASTER STREET PLAN:**

The adopted Master Street Plan designates Briar Lane as a Local Street. The street is a dead end having a current right-of-way of 55 ft. Briar Lane is a dead end street, thus the 55 ft. right of way is currently sufficient.

**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 I-1 District rezoning is inconsistent with the Future Land Use Plan, although the designation will be compatible with the actual current use of the property and the abutting land to the south. A change in the Land Use is advisable.     | <br> |
| (b) Consistency of the proposal with the purpose of Chapter 117-Zoning.                                                                                                                                                                                                                                                     | The proposal will achieve consistency with the purpose of Chapter 117, if it is modified. <b>See Zoning Analysis Section Below.</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. The property is associated with other property that is Zoned I-1 Light Industrial currently. Consideration for the Single Family homes to the west should be made. |                                                                                       |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.                                                                                                                                                                                             | This land will be suitable to compliment associated adjacent commercial property.                                                                                                                                                                        |                                                                                       |
| (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 I-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.                                                                                                                                                                                       | Property is not vacant with the current R-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 I-1 Industrial with the stipulation that future site plans be subject to MAPC approval.                                                                                                                                     |                                                                                       |



Vicinity/Zoning Map 1

## MAPC Record of Proceedings: Public Hearing Held – March 11, 2014

### Applicant:

**Mr. Terry Bare**, HKB, Inc. appeared before the Commission and noted he prepared the application and represents the owners. The property is occupied by 2 mini-storage facilities and it appears that they were built in the early 70's and did not violate any Zoning regulations at that time. The property to the west is zoned C-3, north is C-3, and south of the request is zoned I-1 They are asking that the property be rezoned accordance with its use and the zoning.

### Staff:

**Mr. Spriggs** gave staff summary comments. He gave the surrounding conditions. Neighborhood Retail is recommended on the Land Use Plan. With the lumber yard to the west. There is a single family subdivision built to the east that was later built. Other rezonings have occurred along Briar and to the south. This area has been in transition. We provided the list of criteria for rezoning. All of the items are in compliance with the exception of the Land Use Plan. Staff has noted the recommendation is for neighborhood retail. Because it is our desire that non-conforming uses be brought into compliance with the zoning eventually, this is an instance that compatibility with the land use plan merits an update to the Land use Plan, and such change is justifiable.

**Mr. Spriggs:** We had the opportunity to evaluate all issues during the pre-development meeting, where no issues came about with the exception that Engineering raised the concern about connectivity of Briar street the mixed development occurring to the south and east towards Red Lobster and Longhorn restaurants, to get the traffic to race street and to a traffic light at Red Wolf Blvd.

**Mr. Spriggs:** The table of permitted uses was discussed. There are some industrial uses that have been highlighted that would not be compatible with the residential just across the street. The others could be implemented with proper buffering and screening. The recommendation of approval with stipulations was read. **Mr. Spriggs** asked **Mr. Bare** if the applicant is agreeable to a change to Limited Use Overlay. **Mr. Bare** stated that nothing in item 5 is planned. They are trying to bring it into compliance with no plan to build anything else.

**Public Input:** None.

**Ms. Nix:** Was the land posted so the neighborhood could see it. **Mr. Bare:** Yes.

**Mr. Hoelscher:** Were there any comments from other departments? **Mr. Spriggs** reiterated Engineering's concerns of connectivity. **Mr. Bare** commented on the street abandonment in the past.

**Mr. Spriggs** clarified and stated that the MAPC appears to be asked to rezone this with no restrictions and no limited use overlay. **Mr. Bare** stated that he has not had the time to ask his client about the L.U.O.

**Mr. Kelton:** Observed how close the homes are on the narrow street. **Mr. Kelton** asked **Mr. Bare** if he could contact them. **Mr. Bare:** We would be rezoning it to the least zoning classification to take care of the need. **Mr. Spriggs** stated that mini-storage could be placed in C-3 Commercial as a conditional use.

**Mr. Bare:** The owners are willing to place the LUO restrictions on there.

**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).

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**Other Staff Findings:**

**Applicant's Purpose:**

The applicant is requesting a change to an "I-1"- Light Industrial Commercial District. Currently, there are mini-storage warehouse units totally 3,600 sq. ft. on the subject tract. As noted, the property is part of an existing Non-conforming use within the R-1 Single Family District.

**Zoning compliance/ Other Zoning Code Analysis:**

The applicant has requested a rezoning to an I-1 Light Industrial Commercial District with no conditions, limitations, or Limited Use Overlay restrictions. Staff voices concerns of the protection of the single family homes to remain on the east side of Briar Lane, which were built with the knowledge of industrially used and zoned property on the west side of the street. Provisions for screening and light spill-off should be considered if redevelopment or property change of use were to occur. Without a change in application to Limited Use Overlay, the MAPC and Council cannot place any restrictions or conditions on the rezoning beyond the code requirements for the I-1 Industrial District.

***Sec. 117-140. Overlay and special purpose districts.***

(c) *L.U.-O.—limited use overlay district.* (3) *Use and property development standards.* When accompanied by a rezoning request from the property owner, the L.U.-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 L.U.-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 L.U.-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 L.U.-O. designation shall be applied for in accordance with standard rezoning procedures. Once L.U.-O. zoning is established, any amendments shall also require review and approval in accordance with rezoning procedures.

The applicant should consider a I-1 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 I-1 District; however others must request a Conditional Use Approval by the MAPC):

| List of Commercial Uses              | I-1 Light Industrial | List of Commercial Uses                              | I-1 Light Industrial |
|--------------------------------------|----------------------|------------------------------------------------------|----------------------|
| <i>Civic and commercial uses</i>     |                      | <i>Civic and commercial uses</i>                     |                      |
| Manufactured Housing Unit            | Conditional Use      |                                                      |                      |
| Animal care, general                 | Conditional          | Welding or Machine Shop                              | Permitted            |
| Indoor Firing Range                  | Conditional          | Office, general                                      | Conditional          |
| Auditorium or stadium                | Conditional          | Parking lot, commercial                              | Conditional          |
| Automated teller machine             | Permitted            | Parks and recreation                                 | Conditional          |
| Bank or financial institution        | Permitted            | Pawn shops                                           | Conditional          |
| Construction Sales/Service           | Permitted            | Post office                                          | Conditional          |
| Carwash                              | Permitted            | Recreation/entertainment, indoor                     | Conditional          |
| Cemetery                             | Permitted            | Recreation/entertainment, outdoor                    | Conditional          |
| Church                               | Permitted            | Recreational vehicle park                            | Permitted            |
| College or university                | Permitted            | Restaurant, fast-food                                | Permitted            |
| Communication tower                  | Permitted            | Restaurant, general                                  | Permitted            |
| Airport or Airstrip                  | Conditional          | Retail/service                                       | Conditional          |
| Convenience store                    | Conditional          | Safety services                                      | Permitted            |
| Day care, limited (family home)      | Conditional          | School, elementary, middle and high                  | Permitted            |
| Day care, general                    | Conditional          | Service station                                      | Permitted            |
| Entertainment, adult                 | Conditional          | Sign, off-premises*                                  | Permitted            |
| Government service                   | Permitted            | Utility, major                                       | Conditional          |
| Library                              | Permitted            | Utility, minor                                       | Permitted            |
| Medical service/office               | Permitted            | Vehicle and equipment sales                          | Permitted            |
| Museum                               | Permitted            | Vehicle repair, general                              | Permitted            |
| <i>Agricultural/ Industrial Uses</i> |                      | Vehicle repair, limited                              | Permitted            |
| Agriculture, animal                  | Conditional          | Vocational school                                    | Permitted            |
| Agriculture, farmers market          | Permitted            | Warehouse, residential (mini) storage                | Permitted            |
| Manufacturing, general               | Permitted            | <i>Industrial, manufacturing and extractive uses</i> |                      |
| Manufacturing, limited               | Permitted            | Freight terminal                                     | Permitted            |
| Mining or quarrying                  | Conditional          | Research services                                    | Permitted            |
| Vehicle & Equipment Storage Yard     | Permitted            | Agriculture, Product Sales                           | Permitted            |
| Asphalt / Concrete Plant             | Conditional          | Auto wrecking or salvage                             | Conditional          |
|                                      |                      | Basic industry                                       | Conditional          |
|                                      |                      | Freight terminal                                     | Permitted            |

**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.

| <b>Department/Agency</b>  | <b>Reports/ Comments</b>    | <b>Status</b> |
|---------------------------|-----------------------------|---------------|
| <b>Engineering</b>        | No issues reported to date. |               |
| <b>Streets/Sanitation</b> | Reported no issues.         |               |
| <b>Police</b>             | No issues reported to date. |               |
| <b>Fire Department</b>    | No issues reported to date. |               |
| <b>MPO</b>                | No issues reported to date. |               |
| <b>Jets</b>               | No issues reported to date. |               |
| <b>Utility Companies</b>  | No issues reported to date. |               |

**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Herman & Vivian Alston, should be evaluated based on the above observations and criteria, of Case RZ 14-02, a request to rezone property from “R-1” to “I-1” Light Industrial Commercial, and should be modified as a Limited Use Overlay District to address concerns of unreasonable commercial uses said tract should be restricted with consideration of screening to the residential to remain on the east side of Briar Lane.

The MAPC voted unanimously to approve Case: RZ14-02 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 R-1 Single Family Medium Density to the proposed “I-1” Limited Use Overlay District will be compatible and suitable with the zoning, uses, and character of the surrounding area, 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. 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. Coordination is required of all egress/ingress with the City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”. Eastern property line screening shall be required in the event of a change of use of the property.
5. The following uses shall be prohibited: Adult Entertainment, Off-premise Advertisement, Animal care, general, Indoor Firing Range, Auditorium or stadium, Mining or quarrying, Asphalt/Concrete Plant, and Auto wrecking or salvage.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



View looking southwest toward subject site.



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





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