

City of Jonesboro City Council
Staff Report – RZ 14-06 1802 Commerce Dr. Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on May 20, 2014

REQUEST: To consider a rezoning of 1 parcel of land containing 1.98 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from “R-2” Low Density Multi-Family to District to “C-3”, L.U.O., General Commercial District.

**APPLICANTS/
OWNER:** Mr. Jack Elam, Elam Enterprises, Inc., 5934 E. Highland Dr., Jonesboro AR

**SITE
DESCRIPTION:** Tract Size: Approx. +/- 1.98 acres (86,339 s.f.)
 Street Frontage (feet): 350.46 ft. along Commerce Dr.
 Topography: Flat
 Existing Development: Silver Moon Trailer Sales

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Vacant Single Family Res.
South:	C-3	Commercial
East:	C-3	Vacant Commercial
West:	AG-1	Vacant Agriculture

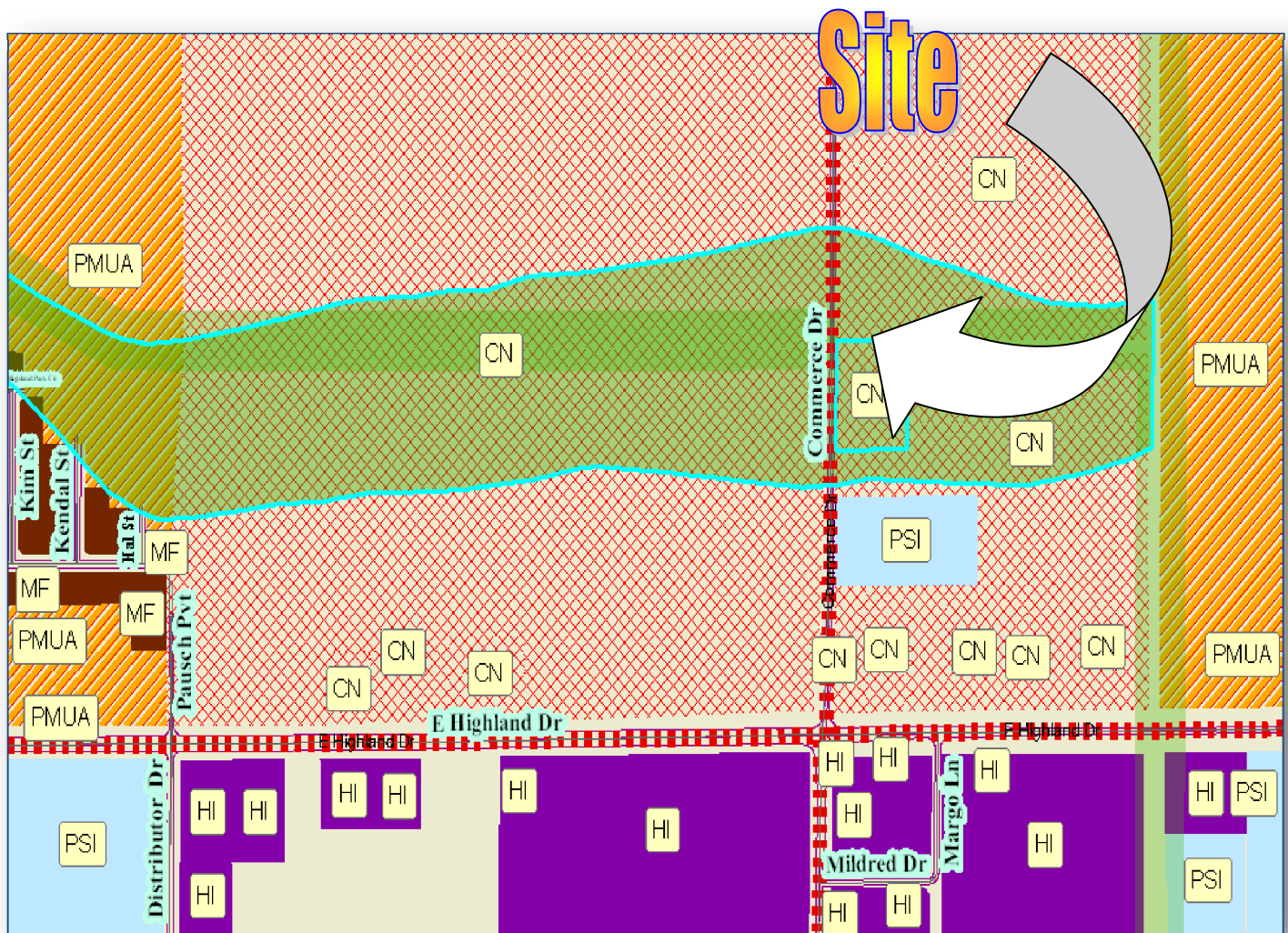
HISTORY: Annexed previously under ORD 2059/Legistar ORD-87-1423 adopted on 12/7/1987 as R-2 Low Density Multi-Family.

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 Commercial Node. The proposed rezoning is consistent and in compliance with the adopted Land Use Plan.










Master Street Plan/Transportation

The subject property is served by Commerce Drive. On the Master Street plan, Commerce Dr. is classified as a principal arterial, which requires a 60 ft. right-of-way to road centerline (120 ft. total right-of-way) the rezoning plat illustrates an existing right of way of 18.5 ft. from the road centerline.

Rezoning plat shows current setback conditions of the building being setback only 79.2 ft. This may propose an issue if right of way is to comply with the Master Street Plan at 60 ft. from centerline; thus leaving a setback of approximately 19.2 +/- ft.

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 C-3 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. This rezoning will cause a Non-conforming use caused by an annexation to be made compliant with the Zoning Resolution.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This will bring an existing use into compliance.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	This land as used today is unsuitable under the current R-2; 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-1 and AG-1. 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 not vacant with the current R-2 zoning. It has consistently been used as commercial since annexation.	
(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 C-3 Limited Use Overlay.	



Vicinity/Zoning Map

Staff Findings:

Applicant's Purpose:

The applicant is hoping to rezone the subject property to make it conform to the required Zoning Classification or district for the pre-existing 5,400 s.f. building, which houses Silver Moon Trailers (in existence for over 10 years). The site is occupied by an existing office/shop building, and is served by a concrete driveway and a gravel parking area that is enclosed by fence. The owner states that the site will continue to be used in the same manner.

The applicant is requesting a change to a "C-3", L.U. Overlay for General Commercial. The applicant also stated that with recent commercial growth in this area, this tract is an attractive location for continued commercial development. There are various types of development in the immediate area, including some sparse residential and commercial, and some industrial (on Commerce Drive to the west).

Zoning compliance/ Other Zoning Code Analysis:

The applicant has requested a rezoning to a “C-3”, L.U.O., General Commercial District with conditions, limitations, and a list of uses to be discouraged. The following are the bulk dimensions for C-3 General Commercial. If the right of way distance is brought into compliance with the Master Street Plan as noted, Staff would support a reduction requirement from the required front setback of 25 ft.

Dimension Requirements Commercial and Industrial Districts

<i>Dimension</i>	<i>CR-1</i>	<i>C-4</i>	<i>C-3</i>	<i>C-2</i>	<i>C-1</i>	<i>I-1</i>	<i>I-1</i>
<i>Minimum lot size</i>							
Single-family (sq. ft.)	6,500	NP	NP	6,000	NS	NP	NP
Duplex (sq. ft.)	7,200	NP	NP	7,200	NS	NP	NP
Multifamily (area/family)	NP	NP	NP	3,600	NS	NP	NP
Nonresidential uses (sq. ft.)	6,500	6,500	6,500	6,500	NS	6,500	10,000
Minimum lot width (all uses)	50'	50'	50'	50'	25'	50'	100'
Minimum lot depth (all uses)	100'	100'	100'	100'	NS	100'	100'
<i>Street setback</i>							
Residential uses	25'	NP	NP	25'	NS	25'	NP
Nonresidential uses	25'	25'	25'	25'	NS	25'	100'
<i>Interior side setback</i>							
Residential uses	7.5'	10'	NP	10'	NS	10'	NP
Nonresidential uses	10'	10'	10'	10'	NS	10'	25'
<i>Rear setback</i>							
Residential uses	20'	20'	NP	20'	NS	20'	NP
Nonresidential uses	20'	20'	20'	20'	NS	20'	25'
Maximum lot coverage (all uses)	50%	50%	60%	50%	100%	60%	60%
Percent of total lot area (building floor area)	20	20	NS	20	NS	NS	NS

Note.

NP = Not permitted.

NS = No standard.

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.	Discussed in Pre-Dev. Meeting
Streets/Sanitation	Reported no issues.	Discussed in Pre-Dev. Meeting
Police	No issues reported to date.	Discussed in Pre-Dev. Meeting
Fire Department	No issues reported to date.	Discussed in Pre-Dev. Meeting
MPO	No issues reported to date.	Discussed in Pre-Dev. Meeting
Jets	No issues reported to date.	Discussed in Pre-Dev. Meeting
Utility Companies	Has reviewed and has no issues.	Discussed in Pre-Dev. Meeting

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.

The rezoning of this property shall also adhere to the following considerations for the uses:

- 1.) The following uses should be prohibited as a part of the Limited Use:
 - A) Animal Care, General
 - B) Adult Entertainment
 - C) Off-Premises Sign

The applicant has proposed a C-3 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 C-3 District; however others must request a Conditional Use Approval by the MAPC):

List of Commercial Uses		C-3 General Commercial	List of Commercial Uses		C-3 General Commercial
<i>Civic and commercial uses</i>			<i>Civic and commercial uses</i>		
	Animal care, general	Permitted		Nursing home	Permitted
	Animal care, limited	Permitted		Office, general	Permitted
	Auditorium or stadium	Conditional		Parking lot, commercial	Permitted
	Automated teller machine	Permitted		Parks and recreation	Permitted
	Bank or financial institution	Permitted		Pawn shops	Permitted
	Bed and breakfast	Permitted		Post office	Permitted
	Carwash	Permitted		Recreation/entertainment, indoor	Permitted
	Cemetery	Permitted		Recreation/entertainment, outdoor	Permitted
	Church	Permitted		Recreational vehicle park	Permitted
	College or university	Permitted		Restaurant, fast-food	Permitted
	Communication tower	Conditional		Restaurant, general	Permitted
				Retail/service	Permitted
	Convenience store	Permitted		Safety services	Permitted
	Day care, limited (family home)	Permitted		School, elementary, middle and high	Permitted
	Day care, general	Permitted		Service station	Permitted
	Entertainment, adult	Conditional		Sign, off-premises*	Permitted
	Funeral home	Permitted		Utility, major	Conditional
	Golf course	Permitted		Utility, minor	Permitted
	Government service	Permitted		Vehicle and equipment sales	Permitted
	Hospital	Permitted		Vehicle repair, general	Permitted
	Hotel or motel	Permitted		Vehicle repair, limited	Permitted
	Library	Permitted		Vocational school	Permitted
	Medical service/office	Permitted		Warehouse, residential (mini) storage	Conditional
	Museum	Permitted	<i>Industrial, manufacturing and extractive uses</i>		
<i>Agricultural uses</i>				Freight terminal	Conditional
	Agriculture, animal	Conditional		Research services	Conditional
	Agriculture, farmers market	Permitted			

Record of Proceedings: MAPC Public Hearing Held on May 13, 2014:

Applicant: Mr. George Hamman, Civilogic, appeared before the Commission stating that he prepared the plat and application on behalf of the owner Mr. Elam. Mr. Hamman added that he has reviewed the staff report and has no issues with the Staff findings. He will include the conditions in the Ordinance before City Council.

Staff: Mr. Spriggs gave a summary of the Staff Report, noting that the request complies with the Land Use Plan which recommends this area as a Commercial Node. He also reported that the petition complies with the listed criterion for rezonings as noted.

Mr. Spriggs also referred to the permitted and discouraged uses in which the applicant agrees.

No issues were reported by the various departments or agencies.

Mr. Spriggs stated that Staff has revised Condition No. 3 to deal with the dedication of right of way:

3. The applicant agrees to comply with the Master Street Plan recommendation for Commerce Drive as a Principal Arterial, and dedicate required right of way at the time the property is redeveloped in the future, or if and when the City moves forward with the widening of Commerce Drive.

Mr. Hoelscher asked if this condition will run with the land, if the property were to be sold? Mr. Spriggs stated that it can be handled by the condition; also it can be revised to state “owner” or “successor” of the property.

Mr. Hoelscher asked if the right of way were dedicated, would it meet the setbacks for the existing building. Mr. Spriggs: This may propose an issue if right of way is to comply with the Master Street Plan at 60 ft. from centerline; thus leaving a setback of approximately 19.2 +/- ft. This is typical when the City or State takes right of way from an existing use. The hardship is created on the property owner.

Mr. Hoelscher asked that if the building were burned or destroyed by natural causes would he be exempt from it being dedicated as a redevelopment. Mr. Spriggs noted that he would be protected under the Non-conforming clause and could build it on the same slab and foundation, administratively; unless he was changing the site layout.

Public Input/Opposition: None present.

Commission Action:

Motion was made by Mr. Kevin Bailey to adopt the rezoning and place Case: RZ-14-06 on the floor for recommendation by MAPC to the City Council with the noted conditions; Motion was seconded by Mr. Scurlock.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Hoelscher- Aye; Mr. Reece- Aye; Mr. Bailey- Aye; Mrs. Shrantz- Aye; Mr. Kelton- Aye; Ms. Nix was absent. Mr. Lonnie Roberts Chaired the meeting. Case approved with a **6-0 Vote for the measure.**

Conclusion:

The MAPC and Planning Department Staff find that the requested Zone Change submitted for subject parcel, should be approved based on the above observations and criteria, of Case RZ 14-06, a request to rezone property from “R-2” to “C-3” L.U.O. General Commercial.

The MAPC recommends approval of Case: RZ-14-06 on the floor for recommendation to the City Council with the noted conditions, and we find that changing the zoning of this property from R-2 Low Density Multi-Family District to the proposed C-3 Limited Use Overlay District and that the rezoning will be compatible and suitable with the zoning, uses, and character of the surrounding, 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 owner or successor agrees to comply with the Master Street Plan recommendation for Commerce Drive as a Principal Arterial, and dedicate required right of way at the time the property is redeveloped in the future, or if and when the City moves forward with the widening of Commerce Drive.
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 northeast from Commerce Drive, Site to the Right



View looking east toward subject property



View looking southeast, site to the left



View looking south on Commerce Dr., Site is to the left



View looking south on Commerce Dr., Site is to the left



View looking southeast at City Water & Light Plant



View looking north on Commerce Dr., Site is to the right



View looking East (toward North property line), Site is to the right



View looking south on Commerce Dr. toward Site



View looking Northeast on Commerce Dr., Apartments to the North of site



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