



Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: 8-15-08
Case Number: RZ-08-23

LOCATION:

Site Address: Approx. 450 1/2 E. Johnson Avenue

Side of Street: S between Airport Rd. and Paragould Drive

Quarter: NE 4 Section: 10 Township: 14N Range: 4E

Attach a survey plat and legal description of the property proposed for rezoning. A Registered Land Surveyor must prepare this plat.

SITE INFORMATION:

Existing Zoning: R-1 Proposed Zoning: C-3

Size of site (square feet and acres): 35,900 sq. ft. - .83 acres Street frontage (feet): 170.1

Existing Use of the Site: vacant

Character and adequacy of adjoining streets: Hwy. 49 (Johnson Ave.) is a 4-lane highway

Does public water serve the site? yes CW&L

If not, how would water service be provided? _____

Does public sanitary sewer serve the site? Yes, CW&L

If not, how would sewer service be provided? _____

Use of adjoining properties:

North R-1 & C-3 across Hwy. 49

South I-1

East R-1

West C-3

Physical characteristics of the site: level lot, adequate drainage

Characteristics of the neighborhood: predominately commercial along Hwy. 49 with residential mixed in due to existing there for a number of years before build-up of commercial businesses along highway

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. *Please prepare an attachment to this application answering each of the following questions in detail:*

- (1). How was the property zoned when the current owner purchased it?
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary?
- (3). If rezoned, how would the property be developed and used?
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*?
- (6). How would the proposed rezoning be in the public interest and benefit the community?
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning?
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property.
- (10). How long has the property remained vacant?
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services?
- (12). If the rezoning is approved, when would development or redevelopment begin?
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.*
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

OWNERSHIP INFORMATION:

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

Owner of Record:

I certify that I am the owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

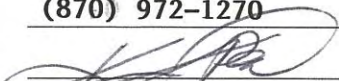
Name: TLRMC, LLC

Address: 22 Plantation Oaks

City, State: Jonesboro, AR ZIP 72404

Telephone: (870) 972-5440

Facsimile: (870) 972-1270

Signature: 

Applicant:

If you are not the Owner of Record, please describe your relationship to the rezoning proposal:

Name: _____

Address: _____

City, State: _____ ZIP _____

Telephone: _____

Facsimile: _____

Signature: _____

Deed: *Please attach a copy of the deed for the subject property.*

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REZONING INFORMATION

1. How was the property zoned when the current owner purchased it?

R-1

2. What is the purpose of the proposed rezoning? Why is the rezoning necessary?

TLRMC, LLC owns the lot next to the lot it is requesting to be rezoned. This lot is already zoned C-3 and is located immediately to the east of Sonic Drive In. Thus, TLRMC, LLC is wanting to have all of the land it has purchased to be C-3. Over the years the character of the area surrounding the property has changed drastically in that being on the Highway 49 (East Johnson) corridor (a four-lane highway), the surrounding property has become primarily commercial. In fact, except for a small area to the east and across Hwy 49, the rest of the surrounding property is zoned C-3. Thus, this property is better served to be C-3 rather than R-1 due to the traffic, the location on the busy, four-lane highway between Jonesboro and Paragould and the commercial nature of the area.

3. If rezoned, how would the property be developed and used?

As stated above, the property would be developed for commercial purposes. It is anticipated that the property would be used for retail business(es) or other uses in compliance with a C-3 zoning classification as such uses predominate the area.

4. What would be the density or intensity of development (e.g., number of residential units, square footage of commercial, institutional or industrial buildings)?

Although no specific determination has been made, any construction project would have to meet the requirements of Jonesboro's Building Code as to setbacks and area for parking, etc.

5. Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?

Yes. Under the Jonesboro Comprehensive Plan and the Future Land Use Plan the area of the proposed rezoning has been designated as Thoroughfare Commercial. The proposed rezoning is compatible with such land use and as stated above the property is located on the south side of Highway 49 (East Johnson) which is a major thoroughfare from Jonesboro to Paragould and has been experiencing tremendous growth (in particular, commercial business on each side of the highway in recent years). Thus, the proposed rezoning complies with how city planners have anticipated the orderly growth pattern of Jonesboro.

6. How would the proposed rezoning be in the public interest and benefit the community?

As stated above, the proposed rezoning complies with how city planners have planned for the orderly growth of Jonesboro. The proposed rezoning would in accordance with the land use plan for Jonesboro and the commercial use of the property would be the highest and best use of the property as it is along a well-traveled major thoroughfare. The present zoning is R-1 (residential) and the property is not suitable for such a use because of the noise and traffic. Such a setting does not lend itself to a residential use where the occupants generally want to be able to enjoy their front and back yards and have a place where it is generally peaceful and quiet. This cannot be done at this location.

Further, as the surrounding area is primarily zoned commercial and has numerous businesses located there, the rezoning to commercial would enable additional businesses to locate in this area which would concentrate such retail establishments in more centralized locations, which would be more convenient for shopping. Thereby, enabling the community to reduce their need to drive further distances to shop, conduct their business, etc. which would reduce gas consumption.

7. How would the proposed zoning be compatible with the zoning, uses and character of the surrounding area?

To the north which is across the street (Highway 49), the property is zoned both C-3 and R-1. To the east, the property (a lot) is zoned R-1 and just past this property, the property is zoned C-3. To the west, the property is zoned C-3. To the south, the property is zoned I-1. This area along Highway 49 has been and is experiencing growth in commercial establishments and the area is predominately used as commercial establishments. Any residences are scattered in this area and are there due to the fact that they have been there for many years.

8. Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

Yes. The property is not suitable for R-1 single family residential use as it is located on an extremely busy four-lane highway with predominately commercial establishments located on both sides of the highway in the subject area which the proposed rezoning is to occur. Such conditions are not suitable for residential use where the occupants generally want to be able to enjoy their front and back yards and have a place where it is generally peaceful and quiet. Such use cannot be done at this location.

9. How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property?

The proposed rezoning should not negatively impact the nearby property. The value of the property to the east may very well increase because property on both sides of it would be commercial (whereas it is now residential). Property to the west is already

commercial. Thus, rezoning would be a positive factor in this case. The property is served by a four-lane highway (Highway 49– Johnson Avenue). Due to the fact that the area is predominately commercial at the present time, there should not be any appreciable effect on noise, hours of use and other aspects of the property or the surrounding area.

10. How long has the property remained vacant?

It is our understanding that the property has been vacant for a number of years.

11. What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police and emergency medical services?

Any impact should be minimal at best. The area is to our understanding not prone to flooding so drainage should not be a problem. The area is well within the area served by fire, police and emergency medical services such that it would not extend their area of operation. Further, city utilities should be readily available as most of the area to the west east and south of the proposed rezoning area has been developed for some time.

12. If the rezoning is approve, when would development or redevelopment begin?

It is anticipated that development would begin within one (1) year of rezoning.

13. How do neighbors feel about the proposed rezoning?

Attached are letters from the neighbors who own property to the east and west of the subject property and they do not have any problem with the rezoning and in fact, support the rezoning of the property.

14. Not applicable.

August 11, 2008

City of Jonesboro, Arkansas

Re: Rezoning of property as proposed by
TLRMC, LLC on East Johnson

To Whom It May Concern:

James D. and Virginia M. Bedwell Trust created August 6, 2004 (the "Bedwell Trust") owns certain real property located to the east of the real property located on East Johnson which TLRMC, LLC is requesting to be rezoned from R-1 to C-3. Please be advised that the Bedwell Trust does not oppose such a rezoning request and in fact, supports a zoning classification of C-3 for TLRMC, LLC's property. Thank you for your consideration of this matter.

Sincerely,

James D. and Virginia M. Bedwell Trust

By 

August 11, 2008

City of Jonesboro, Arkansas

Re: Rezoning of property as proposed by
TLRMC, LLC on East Johnson

To Whom It May Concern:

Keith and Joni Bryson Revocable Trust dated May 5, 2003 (the "Bryson Trust") owns certain real property located to the west of the real property located on East Johnson which TLRMC, LLC is requesting to be rezoned from R-1 to C-3. Please be advised that the Bryson Trust does not oppose such a rezoning request and in fact, supports a zoning classification of C-3 for TLRMC, LLC's property. Thank you for your consideration of this matter.

Sincerely,

Keith and Joni Bryson Revocable Trust

By:  _____

DEED BK 774 PG 365

Please Return To:

Lenders Title Company
2207 Fowler Avenue
Jonesboro AR, 72401
Phone: 870-935-7410
Fax: 870-935-6548

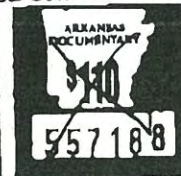
File Number: 08-052401-300

Approved as to form by:
J. Mark Spradley, Attorney-at-Law
Transactional data completed by Lenders Title Company

Warranty Deed - Trustee (Letter).rif

FOR RECORDER'S USE ONLY

WARRANTY DEED
(TRUSTEE)



KNOW ALL MEN BY THESE PRESENTS:

That, Virginia M. Bedwell, Trustee of the James D. and Virginia M. Bedwell Trust created August 6, 2004, Grantor, for and in consideration of the sum of ~~TEN AND 00/100~~ DOLLARS--(\$10.00)--and other good and valuable consideration in hand paid by TLRMC, LLC, Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, and its successors and assigns forever, the following lands lying in the County of Craighead and the State of Arkansas to-wit:

Part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 14 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 10; run thence North 45.5 feet; run thence South 49 degrees 56' West, 131.7 feet; run thence South 24 degrees 28' West, 29.5 feet; run thence North, 219.0 feet; run thence South 59 degrees 50' West, 42.5 feet to the true point of beginning; thence continue South 59 degrees 50' West, 146.5 feet; run thence North 33 degrees 08' West, 231.2 feet to the South Right-of-Way Line of U.S. Highway #49; run thence along a non-tangent curve to the right, with a radius of 2863.3 feet, 170.1 feet; run thence South 27 degrees 15' East, 224.1 feet to the true point of beginning, containing 0.83 acres, more or less, less and except any part thereof that may overlap onto Lot 1-A of Bryson's Re-plat of Bryson's Minor Plat as shown in Plat Cabinet "C" page 177 at Jonesboro, Arkansas, and less and except any part thereof that may overlap onto Lot 1 of RGB Minor Plat as shown in Plat Cabinet "B" page 68 at Jonesboro, Arkansas. Subject to any easements that may affect said lands.

DEED BK 774 PG 366

Subject to existing assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, of record, if any.

TO HAVE AND TO HOLD the above described lands unto the Grantee and unto its successors and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And the Grantor hereby covenants with the Grantee that it will forever warrant and defend the title to the above described lands against all claims whatsoever.

WITNESS our hand and seal on this 21st day of May, 2008.

I hereby certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument. Exempt or no consideration paid if none shown.

James D. and Virginia M. Bedwell Trust created August 6, 2004

GRANTOR OR AGENT:

[Signature]
TLCMC, LLC

Virginia M Bedwell
By: Virginia M. Bedwell, Trustee

GRANTEE'S ADDRESS:

[Signature]

22 Plantation Oaks
Jonesboro Ar
72401

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF CRAIGHEAD)

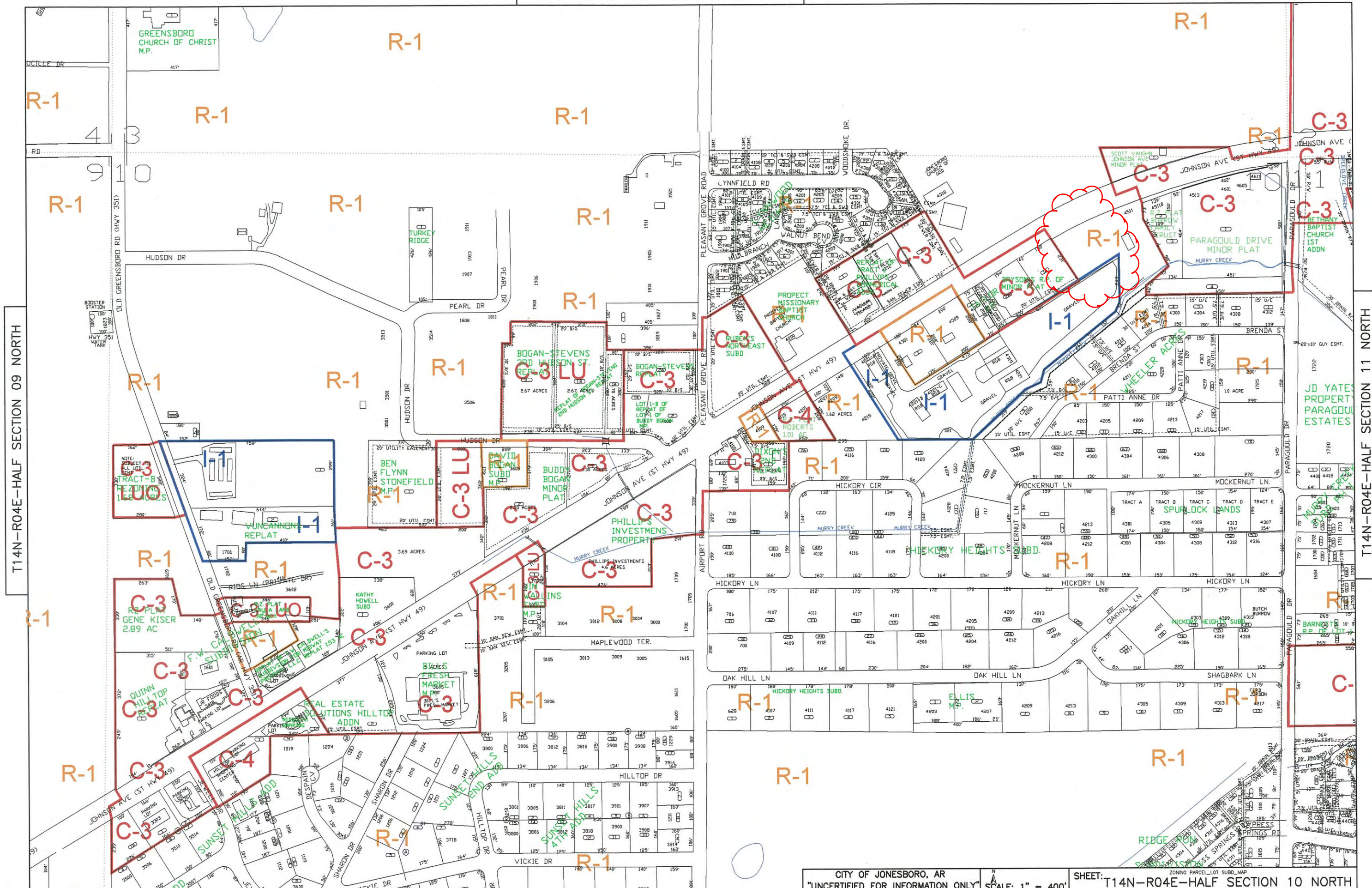
BE IT REMEMBERED, that on this day came before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly commissioned and acting, Virginia M. Bedwell, to me well known as (or satisfactorily proven to be), who stated that she was the Trustee of the James D. and Virginia M. Bedwell Trust created August 6, 2004 and was duly authorized in her capacity to execute the foregoing instrument for and in the name of and on behalf of said trust, and further stated and acknowledged that she had executed the same for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 21st day of May, 2008.

TAMMY M. LIDDELL
NOTARY PUBLIC - STATE OF ARKANSAS
CRAIGHEAD COUNTY
Commission Expires 11-06-2016
MY COMMISSION EXPIRES 11-06-2016

Tammy M Liddell
Notary Public Tammy M Liddell

DEED BK 774 PG 365 - 366
DATE 05/22/2008
TIME 04:22:15 PM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
RECEIPT # 176093 D.C.



T14N-R04E-HALF SECTION 09 NORTH

T14N-R04E-HALF SECTION 11 NORTH