

APPEAL TO THE JONESBORO CITY COUNCIL

REQUEST FOR HEARING ON APPEAL FROM ACTION OF THE
METROPOLITAN AREA PLANNING COMMISSION

Come now David Onstead and Gary Childers, by and through their attorneys, Mooney Law Firm, and for their appeal from the decision of the MAPC, states:

A. Appellants are residents of Jonesboro, Arkansas, and are the record title owners of property in Jonesboro, Craighead County, Arkansas, described as follows:

A part of the Southeast Quarter of the Northeast Quarter of Section 31, and a part of the Southwest Quarter of the Northwest Quarter of Section 32, Township 14 North, Range 4 East of the Fifth Principal Meridian in Craighead County, Arkansas, more particularly described as follows: Beginning at the Northwest Corner of Section 32 aforesaid; thence South along the Section line 1,391.70 feet to a stake in the line of an old fence row for a point of beginning proper; thence South 76°20'00" East 277.50 feet to the center of a creek; thence South 35°26'00" West along the center of the creek 313.40 feet; thence North 44°09'00" West 288.00 feet; thence North 46°06'00" West 166.50 feet; thence North 70°09'00" East 88.50 feet to a stake in the old fence row; thence South 76°45'00" East 148.40 feet along the old fence row; thence South 76°20'00" East 3.40 feet to the point of beginning proper, containing 1.82 acres, more or less.

B. Said property is currently zoned Commercial (C-4). Appellants state that they have requested a zoning of Commercial (C-3) which is the appropriate zoning for the location of the property. Appellants further state

that this property is approximately 1.82 acres in size, is located on the East side of Harrisburg Road and is South of Gladiolus Drive. The property across the street from appellants' property is zoned Commercial (C-3) and the property immediately surrounding subject property is zoned Residential (R-1).

C. At the regular called meeting of the Metropolitan Area Planning Commission on November 12, 1996, the Commission denied the requested rezoning, notwithstanding the fact that the highest and best use for subject property is Commercial (C-3). The action of the commission was arbitrary, capricious and without legal status.

D. Appellants state that they have adequate grounds for appeal and that the action of the MAPC in denying this rezoning request is without basis in law or fact and said action is arbitrary and capricious and that the Jonesboro City Council should hear the appeal and override the action of the MAPC and enact an ordinance rezoning the subject property to Commercial (C-3) zoning classification.

D. Appellants request that the Jonesboro City Council at its next regular meeting set a date for a hearing of Appellants' appeal as set forth in the appropriate ordinances of the City of Jonesboro.

WHEREFORE, Appellants pray the City Council at its

Page 3

next regular meeting set a date for an appeal within the time frame as set forth under the Ordinances of the City of Jonesboro or call a special meeting for hearing appellants' appeal and notifying all interested parties as required by City Ordinance.

MOONEY LAW FIRM
P. O. Box 1423
Jonesboro, Arkansas 72401
501-935-5847

By Chal M. Mooney
Charles M. Mooney, Sr.
Attorney for Appellants