

APPEAL TO THE JONESBORO CITY COUNCIL

**REQUEST FOR HEARING ON APPEAL FROM
THE METROPOLIAN AREA PLANNING COMMISSION**

Comes the appellant, Anita Arnold, by and through her attorneys, Mooney Law Firm, and for her appeal from the decision of the Metropolitan Area Planning Commission, states:

1. Appellant is the owner of the following described real property located in Craighead County, Arkansas, to-wit:

The South Half of the Northwest Quarter of the Southwest Quarter of Section 2, Township 14 North, Range 4 East.

2. The property is a 20.03 acre tract generally located approximately ¼ mile North of Johnson Avenue and approximately ¼ mile West of Bridger Road.

3. Appellant and her predecessor in title have owned this property for many years.

4. This property is zoned Residential (R-1) and was so zoned during the mass annexation of property by the City a number of years ago. The highest and best use of the property is Residential (R-3). Appellant applied for a Residential (R-3) zoning in order to bring the property into proper zoning for its highest and best use and its planned use. The Metropolitan Area Planning Commission denied appellant's request to rezone said property from R-1 to R-3.

5. The action by the Metropolitan Area Planning Commission in refusing to rezone the property according to its highest and best use and for its intended use violates appellant's due process rights and equal protection rights as guaranteed by the United States Constitution and the Constitution of the State of Arkansas.

6. Appellant states that she has adequate grounds for appeal and the action of the Metropolitan Area Planning Commission in refusing to recommend rezoning of said property as requested is without basis in law or fact. Further, the action of the Metropolitan Area Planning Commission is arbitrary and capricious as well as in violation of appellant's constitutional rights and the City Council should hear the appeal and override the action of the Metropolitan Area Planning Commission and rezone the property to a R-3 zoning classification.

7. Appellant states that the interim city planner recommended the change in zoning.

WHEREFORE, appellant prays that her appeal to the City Council of the City of Jonesboro, Arkansas, be perfected pursuant to the Code of Ordinances of the City of Jonesboro; or alternatively, set appellant's appeal hearing for a regular official session; that the City Council override the action of the Metropolitan Area Planning Commission and rezone said property as requested; and for all other relief to which she may be entitled.

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FILED
DATE 6/2/04
JONNA K. JACKSON
CITY CLERK