



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, July 5, 2016

5:30 PM

Municipal Center

PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

Council Chambers, Municipal Center

NOMINATING & RULES COMMITTEE MEETING AT 5:15 P.M.

Council Chambers, Municipal Center

PUBLIC HEARING AT 5:20 P.M.

Regarding the abandonment of a portion of an alley lying south of Lots 9 thru 14 of Block 1 of Hurley & Moore's Addition as requested by Hispanic Community Services, Inc.

PUBLIC HEARING AT 5:25 P.M.

Regarding the abandonment of a 25 foot public street right-of-way as requested by Carey Smothermon

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

COM-16:047 Presentation to Officers Trey Dupuy and Jason Chester, and Jacob Hunter, who was rescued May 24, 2016, from a storm drain

Sponsors: Mayor's Office and Police Department

5. CONSENT AGENDA

All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.

MIN-16:082 Minutes for the City Council meeting on June 21, 2016

Attachments: [Minutes](#)

RES-16:081 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE SUPPLEMENTAL AGREEMENT 1 FOR THE BNSF RAILROAD OVERPASS (HWY.

18) (JONESBORO)(P.E.) - JOB NO. 100824

Sponsors: Engineering

Attachments: [Supplemental Agreement 1](#)

Legislative History

6/28/16 Finance & Administration Recommended to Council
Council Committee

RES-16:082 RESOLUTION TO CONTRACT WITH PROPERTY ROOM.COM FOR AUCTIONING OF SEIZED PROPERTY IN POSSESSION OF THE CITY OF JONESBORO

Sponsors: Police Department

Attachments: [Property Room 2016 unsigned](#)

Legislative History

6/21/16 Public Safety Council Recommended to Council
Committee

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-16:034 AN ORDINANCE TO VACATE AND ABANDON PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS REQUESTED BY HISPANIC COMMUNITY SERVICES, INC.

Attachments: [Engineering and Planning Letter](#)

[Petition](#)

[Plat](#)

[Utility Letters](#)

ORD-16:035 AN ORDINANCE ABANDONING AND VACATING AN UNUSED 25 FOOT STREET RIGHT OF WAY LOCATED WEST OF ARCH STREET AS REQUESTED BY CAREY SMOTHERMON

Attachments: [Engineering and Planning Dept. Letter](#)

[Petitions](#)

[Plat](#)

[Utility Letters](#)

ORD-16:037 AN ORDINANCE APPROVING THE PURCHASE OF A CATERPILLAR EXCAVATOR FOR THE STREET DEPARTMENT, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY

Sponsors: Finance and Mayor's Office

EMERGENCY CLAUSE

Legislative History

6/28/16 Finance & Administration Recommended to Council
Council Committee

- ORD-16:038** AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2016 BUDGET TO ADD TWO NEW STREET MAINTENANCE LABORERS, AND DECLARING AN EMERGENCY
- Sponsors:** Finance and Mayor's Office
- EMERGENCY CLAUSE**
- Legislative History**
- | | | |
|---------|---|------------------------|
| 6/28/16 | Finance & Administration Council Committee | Recommended to Council |
|---------|---|------------------------|
- ORD-16:039** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5110 SOUTHWEST DRIVE AS REQUESTED BY JEREMY MOORE
- Attachments:** [Plat](#)
[Planning Dept. Report](#)
- ORD-16:041** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-1 LUO FOR PROPERTY LOCATED IN THE 5900 BLOCK OF SOUTHWEST DRIVE AS REQUESTED BY VALLEY VIEW STORAGE
- Attachments:** [Survey](#)
[Planning Dept. Report](#)
- ORD-16:042** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-12 LUO FOR PROPERTY LOCATED AT 3423 HUDSON AS REQUESTED BY ROBIN CALDWELL
- Attachments:** [Plat](#)
[Planning Dept. Report](#)

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

- ORD-16:031** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-4 TO C-3 LUO FOR PROPERTY LOCATED AT 1425 E. JOHNSON AVENUE AS REQUESTED BY AYAD TALIB
- Attachments:** [Plat](#)
[Planning Dept. Report](#)
- Legislative History**
- | | | |
|---------|--------------|-----------------------|
| 6/21/16 | City Council | Waived Second Reading |
|---------|--------------|-----------------------|
- ORD-16:033** AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RS-1 TO I-1 FOR PROPERTY LOCATED AT 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[Planning Dept. Report](#)

Legislative History

6/21/16 City Council Waived Second Reading

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. ADJOURNMENT



Legislation Details (With Text)

File #: COM-16:047 **Version:** 1 **Name:** Presentation to Jacob Hunter and Officers Trey Dupuy and Jason Chester

Type: Other Communications **Status:** To Be Introduced

File created: 6/30/2016 **In control:** City Council

On agenda: **Final action:**

Title: Presentation to Officers Trey Dupuy and Jason Chester, and Jacob Hunter, who was rescued May 24, 2016, from a storm drain

Sponsors: Mayor's Office, Police Department

Indexes: Mayor's Commendations

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation to Officers Trey Dupuy and Jason Chester, and Jacob Hunter, who was rescued May 24, 2016, from a storm drain



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-16:082 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 6/30/2016 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on June 21, 2016
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Minutes for the City Council meeting on June 21, 2016



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 21, 2016

5:30 PM

Municipal Center

PUBLIC SERVICES COMMITTEE MEETING AT 4:00 P.M.

PUBLIC SAFETY COMMITTEE MEETING AT 5:00 P.M.

PUBLIC HEARING AT 5:25 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 11 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

Absent 1 - Chris Moore

4. SPECIAL PRESENTATIONS

COM-16:035 Presentation by Mayor Perrin to Jonesboro High School State Champion Baseball Team

Sponsors: Mayor's Office

This item was Read.

COM-16:038 Presentation by Dr. Gil Fowler, with Employer Support of the Guard and Reserve (ESGR)

Sponsors: Mayor's Office

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Gibson, seconded by Councilman John Street, to Approve the Consent Agenda. The motioned **PASSED**

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

Absent: 1 - Chris Moore

MIN-16:076

Minutes for the City Council meeting on June 7, 2016

Attachments: [Minutes](#)

This item was Passed on the consent agenda.

RES-16:067

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM DELANEX, INC. (JORGE DE LA GARZA) FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Sponsors: Engineering

Attachments: [Permanent Drainage Easement](#)

This item was Passed on the consent agenda.

Enactment No: R-EN-065-2016

RES-16:076

A RESOLUTION TO SUBMIT AN APPLICATION FOR COPS (COMMUNITY ORIENTED POLICING SERVICES) HIRING PROGRAM THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR THE CITY OF JONESBORO.

Sponsors: Grants and Police Department

This item was Passed on the consent agenda.

Enactment No: R-EN-066-2016

RES-16:077

A RESOLUTION TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR THE 2016 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR THE CITY OF JONESBORO.

Sponsors: Grants and Police Department

Attachments: [Application package](#)

This item was Passed on the consent agenda.

Enactment No: R-EN-067-2016

RES-16:079

A RESOLUTION TO CONTRACT WITH SAGA COMMUNICATIONS OF ARKANSAS LLC D/B/A JONESBORO RADIO GROUP FOR RENTAL OF SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Southside Fireworks Contract.pdf](#)

This item was Passed on the consent agenda.

Enactment No: R-EN-068-2016

RES-16:080

A RESOLUTION APPROVING THE NO-COST EXTENSION AGREEMENT OF THE 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM WITH THE NORTH JONESBORO NEIGHBORHOOD INITIATIVE

Sponsors: Grants

Attachments: [Nocost_Extension_NJNI.pdf](#)

This item was Passed on the consent agenda.

Enactment No: R-EN-069-2016

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-16:031

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-4 TO C-3 LUO FOR PROPERTY LOCATED AT 1425 E. JOHNSON AVENUE AS REQUESTED BY AYAD TALIB

Attachments: [Plat](#)
[Planning Dept. Report](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Street asked if there was any opposition to the rezoning. City Planner Otis Spriggs answered no.

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Waived Second Reading . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

Absent: 1 - Chris Moore

ORD-16:033

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RS-1 TO I-1 FOR PROPERTY LOCATED AT 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[Planning Dept. Report](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Street asked if there was any opposition to the rezoning. Mr. Spriggs answered no.

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Waived Second Reading . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

Absent: 1 - Chris Moore

RESOLUTIONS TO BE INTRODUCED

RES-16:074

RESOLUTION SETTING A PUBLIC HEARING REGARDING THE ABANDONMENT OF A PORTION OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK 1 OF HURLEY AND MOORE'S ADDITION AS REQUESTED BY HISPANIC COMMUNITY SERVICES, INC.

Attachments: [Amended Resolution](#)
[Plat](#)
[Petition](#)
[Utility Letters](#)
[Engineering & Planning Dept. Letters](#)

Councilman Street noted that the resolution had some corrections that needed to be made to it. A corrected version of the resolution was presented to the Council members.

Councilman Vance abstained from discussion and voting on this item because he is involved in the construction project.

Councilman Coleman also abstained from discussion and voting on this item since he serves on the HCSI board of directors.

Councilman Street motioned, seconded by Councilman Johnson, to amend RES-16:074 with the corrected version as presented. All voted aye.

City Clerk Donna Jackson noted the amended resolution reflects the wrong address for the Council Chambers. The resolution states 900 W. Monroe when the correct address is 300 S. Church Street.

Councilman Dover motioned, seconded by Councilman Johnson, to amend the amended resolution to reflect the correct address. All voted aye.

A motion was made by Councilman Chris Gibson, seconded by Councilman Rennell Woods, that this matter be Passed . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

Absent: 1 - Chris Moore

Enactment No: R-EN-070-2016

RES-16:084

A RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF A 25 FOOT PUBLIC STREET RIGHT OF WAY AS REQUESTED BY CAREY SMOTHERMON

Attachments: [Engineering & Planning Dept. Letter](#)
[Petitions](#)
[Plat](#)
[Utility Letters](#)

A motion was made by Councilman Chris Gibson, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman;Todd Burton and Robert Long

Absent: 1 - Chris Moore

Enactment No: R-EN-071-2016

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-16:029

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2016 BUDGET TO ADD ONE NEW SRO POSITION TO VALLEY VIEW SCHOOL DISTRICT

Sponsors: Finance and Police Department

After passage of the ordinance, Councilman Street motioned, seconded by Councilman Woods, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, that this matter be Passed . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman;Todd Burton and Robert Long

Absent: 1 - Chris Moore

Enactment No: O-EN-028-2016

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

Yesterday they opened the bids for ditch mowing. There was only one bid to open, but they discovered earlier today another bid was submitted on time and was signed for on the first floor of the Municipal Center. The first bid came in at \$1.8 million with the second one coming in at \$114,700. They are going to go back and check the bids because he thinks there's something wrong. He is going to look into the company that submitted the second bid and look at the advertisement that was published in the newspaper. The city will have to get permits from the Corps of Engineers to do the work. They have been talking with Congressman Rick Crawford's office and think the city will be able to get the permits in time to do the work, including the stabilization and channelization after mowing the ditches. Mayor Perrin stated the advertisement was only for the mowing, but there was a big difference between the two bids.

The mitigation plan has been submitted to ADEM. Hopefully it will be reviewed quickly. It will then have to be taken to FEMA in Denton, Texas. After the plan has been approved, the city will then be able to receive mitigation grant funding.

The city has extended the options for the land for the firing range because the city is still doing its due diligence. They are hoping to have an MOU with Arkansas Game & Fish next month to be presented to the city. He is still pulling all costs on the project to make sure it blends with the 75/25 cost for the city. Game & Fish has already voted and approved \$2 million to Jonesboro for the firing range project.

The city has closed on the purchase of Dan Avenue property next to the Parks Department to add more land to the Parks Department. The city gave the property owner six months to move, as she is trying to find a nursing home to relocate to. The deadline will be November 27.

He announced a Building & Facilities Committee meeting on Friday, June 24, at 2:00 p.m. They discovered some land the city owns in front of Nice-Pak and appraised it. The company has expressed interest in the property. He added the city can use the money from the sale of the property to put towards another project, like the firing range.

The Parker Road Extension Project is back on schedule. The project will be complete by September.

Several city officials attended the Municipal League summer conference this past week. There were good conferences attended by people around the state.

The city will be submitting the COPS Grant on Thursday. The grant will be to fund five new officers. They should receive a response sometime in October.

ADEM has set up a call center for people who had damage in the recent flooding. Director David Moore indicated to him that all of the flooding information is going to be through the county, not the city.

Police Chief Rick Elliott explained they are looking into several issues with public safety with the first being pedestrians in crosswalks. He noted pedestrians in crosswalks do have the right of way, yet drivers tend not to stop for them. They are trying to educate the public to stop for pedestrian in crosswalks. He added there's a big problem with crosswalks in the downtown area, especially during nighttime. The second campaign they are starting is dealing with bicyclists in the road. He explained the law requires a car be three feet or more from a cyclist when passing, but most of the time vehicles don't get bicyclists enough room. They are teaming up with ASU and will be placing signs around the community to advertise the three feet requirement.

COM-16:040

Financial Statement for the Airport Commission for May 31, 2016

Sponsors: Municipal Airport Commission

Attachments: [Financial statement](#)

Mayor Perrin noted that the report reflects a negative balance. He discussed that with Airport Manager George Jackson. Mr. Jackson explained the negative balance is due not having been reimbursed yet with grant funding for funding they have spent. Overall, things are looking good at the airport this year.

This item was Filed.

9. CITY COUNCIL REPORTS

Councilman Woods announced tomorrow they will have their first pilot of the Jonesboro Workforce Program that was launched right before school was out. HR Director Dewayne Douglas and Chief Financial Officer Suzanne Allen have worked diligently to find places for the kids to work. There is no money, but they are hoping for a good start to the program.

Councilman Long thanked the council members for the welcome they have extended him. He stated everyone has been so nice and cordial. He looks forward to working with everyone to get things done.

Councilman Gibson thanked Parks Director Wixson Huffstetler and JETS Director Steve Ewart for their presentation during the Public Services meeting held earlier today.

Councilman Vance asked for the Mayor to explain why the city is "locked into" Suddenlink service. Suddenlink recently announced another increase in fees. Councilman Vance then stated he will miss City Planner Otis Spriggs. Mr. Spriggs accepted a job in Texas and will be leaving the city next week.

Mayor Perrin explained the Legislature allows companies such as Suddenlink to keep their franchise agreement with the city or go to the state. Suddenlink chose to take their franchise agreement to the State of Arkansas, which resulted in the city having no franchise agreement with the City of Jonesboro. They do still pay a monthly franchise fee. Other than that, the city has no control over programming or other features. He has heard a lot of complaints due to channels being taken off, yet there's nothing he can do. Councilman Vance stated he understands the circumstances, but wanted to make it clear to the public why the city can't do anything. But, another provider could come into Jonesboro if they thought it would be profitable. Mayor Perrin explained for a new company to come in, it would be a huge investment. They will do a press release discussing the issue to help inform the public.

Mayor Perrin commended City Planner Otis Spriggs for his work with the city. He stated Mr. Spriggs has done an outstanding job for the city, including projects such as Vision 2030 and a startup guide for companies coming into the city. He expressed his appreciation to Mr. Spriggs for his service.

10. PUBLIC COMMENTS

Phillip Cook, 5216 Richardson Drive, thanked Councilman Vance for asking about Suddenlink. He expressed concern about Suddenlink's new requirement for customers to buy boxes, so he was happy to hear why the city isn't able to do anything. Mr. Cook then questioned why the Council suspends the rules on items and also passed the emergency clause without any explanation as to why. Mayor Perrin explained the City Council has the right to read an ordinance three times or suspend the rules and read it fewer times. As for emergency clauses, when an emergency clause is used the reasoning for the clause is stated within the ordinance. He noted all of the ordinances are on the city website and those will tell him what the reasoning is. Mr. Cook asked if it was too much for the reason for an emergency clause be stated at the meeting. Councilman Johnson explained that's not too much to ask; in fact, he usually asks but didn't tonight.

COM-16:045

Pictures of flooding as submitted by Richard Long to the City Council at their meeting on June 21, 2016

Attachments: [Pictures](#)

Richard Long, 1010 Russell Hill Drive, discussed water issues that he has had at his home. He provided the City Council with pictures of his property. He built his home in 2008 and had no issues, except for a little water during heavy rains but it didn't really hurt anything. But, an apartment complex was built near his home and ever since then if there's a big rain occasionally water will end up in his garage. He noted there have been a few times that the water has been within a quarter of an inch to getting into his home. He has spoken with the Mayor's Office and the Engineering Department, but no one has been able to provide help. He discussed his property and stated the ditch needs to be cleaned out. He also suggested putting in curbs and gutters to alleviate the problem. Mayor Perrin stated he and Chief Operations Officer LM Duncan will visit the property tomorrow, along with an Engineering employee.

This item was Read.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilman Rennell Woods, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman;Todd Burton and Robert Long

Absent: 1 - Chris Moore

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk



Legislation Details (With Text)

File #: RES-16:081 **Version:** 1 **Name:** Supplemental agreement for Highway 18 overpass project

Type: Resolution **Status:** Recommended to Council

File created: 6/9/2016 **In control:** Finance & Administration Council Committee

On agenda: **Final action:**

Title: A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE SUPPLEMENTAL AGREEMENT 1 FOR THE BNSF RAILROAD OVERPASS (HWY. 18) (JONESBORO)(P.E.) - JOB NO. 100824

Sponsors: Engineering

Indexes: Contract

Code sections:

Attachments: [Supplemental Agreement 1](#)

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|--------|--------|
| 6/28/2016 | 1 | Finance & Administration Council Committee | | |

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE SUPPLEMENTAL AGREEMENT 1 FOR THE BNSF RAILROAD OVERPASS (HWY. 18) (JONESBORO)(P.E.) - JOB NO. 100824

WHEREAS, on February 11, 2015, the City of Jonesboro (hereinafter call the “City”) entered into an Agreement of Understanding with the Arkansas State Highway and Transportation Department (hereinafter call the “Department”) to use Transportation Investment Generating Economic Recovery (TIGER) VI Discretionary Grant funds for preliminary engineering related to the Project; and

WHEREAS, the original agreement did not specify responsibilities related to right of way acquisition, utility relocation, advertising, awarding a construction contract and construction inspection related to the Project; and

WHEREAS, both parties are prepared to move forward with these phases of the Project; and

WHEREAS, funding for these additional phases has been identified to be a combination of Federal, State, and Local funds; and

WHEREAS, it is now determined that the original Agreement of Understanding must be modified to include these phases.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: That the City of Jonesboro and the Arkansas State Highway and Transportation Department will accept and carry out the responsibilities and assigned duties specified in the attached Supplemental Agreement 1 in addition to those presented in the original Agreement.

Section 2. The Mayor and the City Clerk are hereby authorized by the City of Jonesboro to execute all

documents necessary to effectuate this Supplemental Agreement.

SUPPLEMENTAL AGREEMENT 1

BETWEEN

THE CITY OF JONESBORO

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RELATIVE TO

Right of way acquisition and construction of **Job 100824, BNSF Railroad Overpass (Hwy. 18) (Jonesboro) (P.E.)** in Craighead County, (hereinafter called the "Project").

WHEREAS, on February 11, 2015, the City of Jonesboro (hereinafter called the "City") entered into an Agreement of Understanding with the Arkansas State Highway and Transportation Department (hereinafter called the "Department") to use Transportation Investment Generating Economic Recovery (TIGER) VI Discretionary Grant funds for preliminary engineering related to the Project; and

WHEREAS, the original agreement did not specify responsibilities related to right of way acquisition, utility relocation, advertising, awarding a construction contract and construction inspection related to the Project; and

WHEREAS, both parties are prepared to move forward with these phases of the Project; and

WHEREAS, funding for these additional phases has been identified to be a combination of Federal, State, and Local funds; and

WHEREAS, it is now determined that the original Agreement of Understanding must be modified to include these phases.

IT IS HEREBY AGREED that Jonesboro and the Department will accept and carry out the following responsibilities and assigned duties in addition to those presented in the original Agreement.

THE CITY WILL:

1. Coordinate with the Department with regards to utility relocation for the Project.
2. When requested, provide the Department with funding for right of way acquisition, utility relocation, construction and construction inspection for the Project; excluding improvements completed along Highways 18 and 63B.

THE DEPARTMENT WILL:

1. Be responsible for issuing a task order to a right of way consultant currently contracted with the Department for On-Call Right of Way Services to perform right of way acquisition for the Project.

2. Be responsible for managing the right of way acquisition for the Project.
3. Coordinate with the City with regards to utility relocation for the Project.
4. Request funds from the City prior to awarding a construction contract for the Project.
5. Advertise, award, and perform construction inspection for the Project.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the Project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 2016.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF JONESBORO

Scott E. Bennett, P.E.
Director of Highways and Transportation

Harold Perrin
Mayor

Carol Duncan
City Attorney

Donna Jackson
City Clerk

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

NOTICE OF NONDISCRIMINATION

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ahtd.ar.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.



Legislation Details (With Text)

| | | | | | |
|-----------------------|--|----------------------|---|--------------------|--|
| File #: | RES-16:082 | Version: | 1 | Name: | Contract with PropertyRoom.com for auctioning of seized property |
| Type: | Resolution | Status: | | Status: | Recommended to Council |
| File created: | 6/10/2016 | In control: | | In control: | Public Safety Council Committee |
| On agenda: | | Final action: | | | |
| Title: | RESOLUTION TO CONTRACT WITH PROPERTY ROOM.COM FOR AUCTIONING OF SEIZED PROPERTY IN POSSESSION OF THE CITY OF JONESBORO | | | | |
| Sponsors: | Police Department | | | | |
| Indexes: | Contract | | | | |
| Code sections: | | | | | |
| Attachments: | Property Room 2016 unsigned | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------------|--------|--------|
| 6/21/2016 | 1 | Public Safety Council Committee | | |

RESOLUTION TO CONTRACT WITH PROPERTY ROOM.COM FOR AUCTIONING OF SEIZED PROPERTY IN POSSESSION OF THE CITY OF JONESBORO

WHEREAS, City of Jonesboro, Arkansas has determined that seized, found and unclaimed property in its possession should be disposed of in accordance with Arkansas Statute 5-5-101. Disposition of contraband and seized property.

WHEREAS, Property Room.Com is in the business of auctioning such property and has evidenced their willingness to contract with the City of Jonesboro for such services.

WHEREAS, the City of Jonesboro, Arkansas has previously entered into a contract with Property Room (Res 07: 2498) that has now expired and wishes to renew that contract.

WHEREAS, the City of Jonesboro, Arkansas has reviewed the contract by Property Room.Com for these auctioning services

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The City Council of the City of Jonesboro, Arkansas has approved the contract and

Section 2: The City Council of the City of Jonesboro, Arkansas authorizes the Mayor and City Clerk of the City of Jonesboro to sign and enter into a contract with Property Room.Com for the auction of seized property in the possession of the City of Jonesboro, Arkansas in accordance with Arkansas Statute 5-5-101. Disposition of contraband and seized property.

Property Disposition Service Agreement

Version date: 2014-December

| | |
|---|---|
| Owner Name: <i>Jonesboro Police Dept.</i> | NJPA Agreement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Mailing Address: <i>1001 S. Caraway Rd.</i> | NJPA Member #: <i>2274</i> |
| City, State, Zip <i>Jonesboro, AR 72401</i> | Signature Date: |
| Telephone: <i>870-935-6710</i> | Automatic Renewal: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Fax: <i>870-932-4686</i> | Expiration Date: (if not automatic renewal) |
| Primary Contact Name: <i>Capt. Lynn Waterworth</i> | Primary Contact Email: <i>lynnw@jonesboro.org</i> |
| Primary Contact Phone: <i>870-935-6710</i> | |

This agreement ("Agreement") documents the terms and conditions under which PropertyRoom.com, Inc., a Delaware corporation ("Contractor"), will provide storage, auction and disposition services ("Services") on behalf of owner named above ("Owner").

At request of Owner, Contractor agrees to establish separate accounts under the terms of this Agreement for any other departments or agencies related to Owner for purposes of complying with Owner's financial accounting requirements. Contractor also recognizes the common practice in many jurisdictions to permit related agencies the opportunity to use the services in this Agreement (to "Piggyback") according to the terms and pricing contained herein.

Contractor further stipulates that any municipal, county, or state governmental agency located in the same state as Owner may also Piggyback this Agreement. Owner acknowledges Contractor has advised Owner about Contractor's nationally awarded contract vendor status from the National Joint Powers Alliance ("NJPA") for Services described in this Agreement, and Owner can obtain complete details of the related RFP process at www.NJPAcoop.org.

This Agreement comprises the entire agreement between Contractor and Owner relating to the storage, auction and disposition of property and supersedes any prior understandings, agreements, or representations by or between the parties, be they written or oral.

1. **Items Requiring Services.** Owner will designate items of property ("Property") it desires to provide to Contractor for Services. For the sake of clarity, in this Agreement, Property means smaller items, such as jewelry, electronics, bicycles and surplus spare parts, as well as larger items, such as cars, trucks, planes or industrial compressors. Contractor retains the right to accept or reject certain Property in its sole discretion.
2. **Title to Property.** Owner shall retain legal title to Property until it is purchased by auction or otherwise disposed of in accordance with the Agreement, at which time Owner will be deemed to have transferred title to the purchaser or other acquirer of the Property (the "Buyer"). Owner appoints Contractor as its representative and instrumentality to hold and offer for sale on Owner's behalf the Property, in accordance with this Agreement. Owner appoints Contractor as its attorney-in-fact to sign any and all documents necessary to assign to Buyers all of Owner's right, title and interest in and to Property sold or disposed. Owner's Property shall, at all times before sale or disposition, be subject to the direction and control of Owner. Cash receipts, accounts receivable, contract rights, notes, general intangibles, and other rights to payment of every kind, arising out of the sales and dispositions of Property (collectively the "Proceeds") belong to Owner, subject to payment of amounts owed by Owner to Contractor and to third parties pursuant to this Agreement, which amounts shall be disbursed by Contractor on behalf of Owner as provided herein.
3. **Services Offered.** Contractor offers four Services for storage, auction and disposition of Property. Owner may use all or any combination of Services depending on Owner's needs as well as the type and nature of Property. Descriptions below summarize the four Services.

As and when applicable, for all four Services, Contractor agrees to use commercially reasonable efforts to store and auction Property as well as to dispose of Property not purchased at auction, subject to the ultimate control of Owner. Contractor shall sell and dispose of Property "as is" without any liability to Owner. Contractor is solely responsible for identifying and resolving sales and use tax issues arising from Property sales, including charging, collecting and remitting such taxes.

- a. **Portable Service.** The Portable Service applies to Property items small enough to be picked-up and loaded onto box trucks. Contractor will, on Owner's behalf as its representative, pick-up, test (if applicable and practicable), erase or destroy (in the case of electronic goods) hard disks and SIM cards, photograph, research, store, and list Property for sale by internet auction to the public on one or more domains selected by Contractor. Typical Property processed under the Portable Service include law enforcement property and evidence items approved for disposition, seized items, municipal surplus, and abandoned property as well as lost and found items.
- b. **Gold Service.** The Gold Service applies to Property items too large for pick-up in a box truck and for which Owner agrees to auction-in-place. At Owner's request, Contractor will list such Property for sale by internet auction to the public on one or more domains selected by Contractor. Contractor will use descriptions and digital photographs supplied by Owner. For the sake of clarity, with Gold Service, Contractor will not pick-up and store Property but rather Owner will maintain physical control until transfer of title to Buyers. Contractor will complete auctions and collect funds from Buyers and then provide Owner and Buyers mutual contact information to facilitate Property pick-up by Buyers. Typical Property processed under the Gold Service includes cars and trucks located too far from storage yards to make it economically feasible to tow; additional items include large compressors, generators, etc.
- c. **Titanium Service.** The Titanium Service applies to Property vehicles seized and or impounded by law enforcement agencies. At Owner's request, Contractor will receive tows of seized and impounded vehicles at local yard facilities ("Yards"), storing vehicles while awaiting Owner decision on whether to release a vehicle to a citizen or send to auction. For release-to-citizen vehicles ("Released Vehicles"), Contractor will process paperwork and collect storage fees from citizens. Alternatively, Contractor will, on Owner's behalf as its representative, clean, photograph, store and list the Property for sale by internet auction to the public. Contractor offers Titanium Services in conjunction with subcontractor, Copart, Inc., a publicly traded company ("Subcontractor") with approximately 150 Yards around the U.S.

- d. **Platinum Service.** The Platinum Service applies to the auctioning of municipal fleet vehicles and surplus equipment, i.e., Property. At Owner's request, Contractor will tow the Property to, or take delivery at Yards. Contractor will, on Owner's behalf as its representative, tow, verify drivability, clean, photograph, store and list Property for sale by internet auction to the public. Contractor offers Platinum Services in conjunction with Subcontractor. Typical Property sold under this service include municipal fleet vehicles such as automobiles and light trucks as well as specialty equipment such as fire trucks, ambulances, trash collection trucks, and other large public works equipment.
4. **Term and Termination.**
- a. The Agreement will become effective upon signature by the parties (the "Signature Date") and, as indicated in the top section of this Agreement, will continue for either:
- (1) An initial term of 1-year from the Signature Date and thereafter will automatically renew for consecutive 1-year terms unless written notice of non-renewal is provided by either party to the other at least 60 days prior to the expiration of the then current term; or
 - (2) An initial term specified by the Owner of at least 1-year, after which a renewal agreement will be required by the Owner. If Owner selects this option, Contractor will send Owner a Notice of Renewal 60 days prior to Agreement expiration.
- b. The Agreement may be terminated by either party upon 30 days prior written notice to the other party.
- c. The rights of the parties to terminate the Agreement are not exclusive of any other rights and remedies available at law or in equity, and such rights will be cumulative. The exercise of any such right or remedy will not preclude the exercise of any other rights and remedies.
- d. Notwithstanding any termination by either party of the Agreement, Contractor will continue to remit Proceeds arising under the Agreement (net of amounts owed by Owner to Contractor and to third parties pursuant to the Agreement) in connection with any sales made before the effective date of the termination. At the time of termination, any unsold inventory shall continue to be auctioned by Contractor or disposed on behalf of Owner or returned to Owner, at Owner's election and cost.
5. **Allocation of Sales Proceeds.**
- For all Services, "Winning Bid" means the highest amount committed and paid by any auction participant ("Buyer") for a Property item sold. For the sake of clarity, Winning Bid does not include shipping, buyer or other fees, nor does Winning Bid mean or include an amount that a Buyer commits to pay but later fails to pay.
- a. **Portable Service**
- (1) **Sales Price.** Total Proceeds paid by Buyer shall be called "Sales Price." Sales Price shall include the Winning Bid plus fees (the "Fees"), such as shipping and handling, taxes, and insurance costs associated with the transaction and paid by Buyer.
 - (2) **Transaction Costs.** Contractor shall utilize Fees, and not the Winning Bid, to pay or remit costs for shipping and handling, taxes, and insurance.
 - (3) **Contractor Commission.** For each item of Property, Owner will pay to Contractor a fee (the "Contractor Commission") equal to 50% of the first \$1,000 of the Winning Bid and 25% of the Winning Bid portion, if any, that exceeds \$1,000. The amount of the Winning Bid remaining after deduction and payment of the Contractor Commission will be called "Owner's Gross Proceeds".
 - (4) **Processing Costs.** Credit card processing costs ("Credit Card Cost") and affiliate processing fees (the "Affiliate Fees," which include commissions and processing costs paid to third parties if such a third party sent the winning bidder to the website), will be borne by Owner and Contractor in proportion to the ratio of Owner's Gross Proceeds to Contractor Commission. Owner's portion of Credit Card Cost and Affiliate Fees (collectively, the "Processing Costs") will be paid by Contractor to applicable third parties on Owner's behalf.
 - (5) **Net Proceeds.** "Owner's Net Proceeds" shall mean the amount of the Winning Bid paid to Owner after deduction and payment of Contractor Commission and Processing Costs.

- (6) **Fuel Surcharge.** For Portable Services, Contractor does not charge pick-up fees, hourly labor rates or mileage charges. However, if and when fuel prices rise above a level as shown in the schedule below, a fuel surcharge ("Fuel Surcharge") will be paid to Contractor out of Owner's Net Proceeds for each manifest of Portable items picked up at Owner's location. Contractor tracks benchmark average retail diesel prices as published online by the Energy Information Administration of the U.S. Department of Energy and resets the Fuel Surcharge quarterly based on average weekly pricing from the prior quarter. Fuel Surcharges, if any, are deducted from monthly Owner's Net Proceeds.

Fuel Surcharge Schedule

| Retail Diesel (per gal) | Fuel Surcharge* |
|-------------------------|-----------------|
| < \$ 2.50 | \$ 0.00 |
| \$ 2.50 to \$ 2.99 | \$ 12.40 |
| \$ 3.00 to \$ 3.49 | \$ 24.80 |
| \$ 3.50 to \$ 3.99 | \$ 37.20 |
| \$ 4.00 to \$ 4.49 | \$ 49.60** |

* Divides across locations and/or sub-accounts picked-up same day

** Table continues at same rate of \$12.40 increments per \$0.50 per gal change in Retail Diesel.

- (7) **Shipping Fee.** If assets are transported via common carrier and not picked up by Contractor, the shipping fee will be deducted from Owner Net Proceeds.
- (8) **Disposal.** To the extent that Property is not sold by auction, Contractor will dispose of Property in a commercially reasonable manner, including, but not limited to, sending to recycling, landfill, or scrap processor. Owner understands and agrees:
- (a) For Property not sold by Auction, disposition activities create additional Contractor processing costs (the "Disposal Costs") and potentially a disposition Sales Price (the "Disposition Proceeds").
 - (b) Disposal Costs include, but are not limited to, labor cost of reloading Property onto a truck, labor and vehicle costs associated with transporting Property for disposition, and third-party fees, such as landfill, recycling, and hazardous material disposal fees.
 - (c) Disposition Proceeds include, but are not limited to, a Sales Price obtained for scrap metal.
 - (d) Contractor will bear the burden of Disposal Costs.
 - (e) Contractor will retain Disposition Proceeds, if any, as an offset to Disposal Costs, except if Disposition Proceeds for an item of Owner Property exceed \$250, in which case Owner shall be entitled to retain a portion of Disposition Proceeds calculated in accordance with Section 5a above, provided that Disposition Proceeds will be deemed be equivalent to "Winning Bid" and the Disposal Costs will be deducted as a processing cost under Section 5a(4) above.
- b. **Gold Service**
- (1) **Sales Price, Transaction Costs, Processing Costs & Net Proceeds.** Same as in 5a(1), 5a(2), 5a(4) and 5a(5).
 - (2) **Contractor Commission.** For each item of Property sold at auction, Owner will pay to Contractor a fee equal to 5% of the Winning Bid. In addition, Contractor will separately charge Buyer a 15% buyer's premium paid directly to Contractor by Buyer (the "Buyer's Premium").
- c. **Titanium Service.** Owner will pay Contractor a "Contractor Commission", "Tow Fees", and "Storage Fees" as described below
- (1) **Contractor Commission.** For each item of Property sold at auction, Owner will pay to Contractor a fee equal to 12.5% of the Winning Bid.

- (2) **Tow Fees.** For vehicles that can be hauled on a standard vehicle transporter, such as automobiles and light trucks, tow services are provided for free within thirty nautical miles of any Yard. A \$10 tow fee applies for every additional 10 nautical miles, or portion thereof, over the first 30 free nautical miles. For over-sized vehicle tows (e.g., cranes, buses, backhoes, etc.) Contractor will seek competitive bids from several haulers and Owner may choose which company to use. In addition, fees for acquiring titles on behalf of Owner, if any, will be borne entirely by Owner.
 - (3) **Buyer Fees.** Subcontractor will charge fees to Buyers for additional services, such as lot access, vehicle loading assistance, shipping and transportation, and other services.
 - (4) **Storage Fees.** For Owner vehicles sold at auction, daily storage fees ("Owner Storage Fees") equal \$5.00 per vehicle per day. For Release Vehicles, daily storage fees ("Citizen Storage Fees") equal \$10.00 per vehicle per day. Owner has the right to charge citizens higher storage fees for Release Vehicles and Contractor will collect such fees along with other citizen fees set by Owner, such as tow charges, administrative charges, court processing fees, etc. ("Citizen Payments").
 - (5) **Net Proceeds.** "Owner's Net Proceeds" shall mean the amount of the Winning Bid plus Citizen Payments (if any) paid to Owner after deduction and payment of Contractor Commission, Tow Fees (if any), Owner Storage Fees, Citizen Storage Fees, and any other fees for ancillary services requested by Owner, such as title fees, decal removal, etc.
 - d. **Platinum Service.** Owner will pay Contractor a "Contractor Commission" and "Tow Fees" as described below. Note: There are no storage fees for Platinum accounts.
 - (1) **Contractor Commission.** Same as 5c(1).
 - (2) **Tow Fees.** Same as 5c(2).
 - (3) **Buyer Fees.** Same as 5c(3).
 - (4) **Net Proceeds.** Same as 5c(5)
6. **Payment Terms.** Once a month, Contractor will remit to Owner the Owner's Net Proceeds arising from completed sales and Services rendered during the prior month. Sales are deemed completed when all items comprising a line item on the original manifest or other list of Property are sold. With each payment of Owner's Net Proceeds, Contractor will make available to Owner, online, a report setting forth the following information for the immediately preceding month:
- a. Completed sales during the prior month, including the total amount of related Proceeds collected, Citizen Remittances (if any), Contractor Commissions, the Owner and Contractor share of Processing Costs, Tow Fees (if any), Owner and Citizen Storage fees (if any), any applicable Title Fees and/or Fuel Surcharges, and Owner's Net Proceeds;
 - b. Other dispositions of Property during the month; and
 - c. The Property, if any, inventoried by Contractor at end of month.
7. **Contractor Obligations.** With respect to Contractor's delivery of Services:
- a. Contractor will exercise due care in the handling and storage of Property;
 - b. Contractor shall keep Property free of liens, security interests, and encumbrances, and shall pay when due all fees and charges with respect to the Property;
 - c. Contractor shall sign and deliver to Owner any UCC-1 financing statements or other documents reasonably requested by Owner;
 - d. Contractor shall obtain and maintain insurance in an amount (determined by Contractor) not less than the replacement value of Property in its possession. The insurance will cover the Property against fire, theft, and extended coverage risks ordinarily included in similar policies. Contractor shall give Owner a certificate or a copy of each of the above upon Owner's request.
 - e. Contractor agrees, in order to help Owner comply with local public notification statutes, if any, as well as to help Owner achieve higher Winning Bids, to allow Owner to place one or more clickable links (the "Links") from one or more Owner websites to www.PropertyRoom.com or other websites Contractor uses for sale of Owner items. Contractor agrees to supply technical requirements for Links to Owner.

8. **Owner Obligations.** While this Agreement is not exclusive and has no minimum requirements, Owner will use reasonable efforts to provide Contractor such Property as becomes available for sale. Owner will complete paperwork reasonably necessary to convey custodial possession of Property items to Contractor, including a written manifest or list that describes the items of Property in sufficient detail for identification.

Owner agrees it will not knowingly provide Property that is illegal or hazardous or infringes the intellectual property rights of any third party ("Prohibited Property"), including but not limited to explosives, firearms, counterfeit or unauthorized copyrighted material ("knock-offs"), poisons or pharmaceuticals. In the event Contractor determines in good faith that any Property consists of Prohibited Property, Contractor shall have the right to immediately suspend or cancel (even if completed) any auction or disposal of such Property and may refuse to sell, offer to sell or otherwise dispose of such Property. To the extent requested by Contractor, Owner will provide reasonable assistance in determining whether such Property in fact consists of Prohibited Property.

In the event any Buyer asserts a claim that any Property consists of Prohibited Property and Contractor determines in good faith that such claim is reasonably likely to be determined to be correct, Contractor may, in its discretion, accept the return of such Property and refund the Sales Price for such Property to Buyer, in which event Contractor may then destroy such Property or return such Property to Owner and such refunded Sales Price shall be deducted from future remittances of Owner's Net Proceeds made by Contractor.

9. **Restrictions on Bidding.** Contractor and its employees and agents may not directly or indirectly bid for or purchase auctioned Property on Contractor websites.
10. **Representations and Warranties of Owner.** Owner hereby represents warrants and covenants as follows (the "Conditions Precedent"):
- Property delivered to Contractor is available for sale to the general public without any restrictions or conditions whatever and does not consist of Prohibited Property; and
 - Owner has taken necessary actions for Owner to auction the Property or to transfer title to the Property to Buyers.
11. **Books and Records.** Contractor will keep complete and accurate books of account, records, and other documents with respect to the Agreement ("Books and Records") for at least 3 years following Agreement expiration or termination. Upon reasonable notice, Books and Records will be available for inspection by Owner, at Owner's expense, at the location where Books and Records are regularly maintained, during normal business hours.
12. **Assignment.** The Agreement may not be assigned, in whole or in part, by either of the parties without the prior written consent of the other party (which consent may not be unreasonably withheld or delayed). Notwithstanding the foregoing, an assignment of the Agreement by either party to any subsidiary or affiliate or a third party acquisition of all or substantially all of the assets of such party will not require the consent of the other party, so long as such subsidiary, affiliate or acquiring entity assumes all of such party's obligations under the Agreement. No delegation by Contractor of any of its duties hereunder will be deemed an assignment of the Agreement, nor will any changes in control or any assignment by operation of law by either party. Subject to the restrictions contained in this section, the terms and conditions of the Agreement will bind and inure to the benefit of each of the respective successors and assigns of the parties hereto.
13. **Notices.** Any notice or other communication given under the Agreement will be in writing and delivered by hand, sent by facsimile (provided acknowledgment of receipt thereof is delivered to the sender), sent by certified, registered mail or sent by any nationally recognized overnight courier service to the addresses provided on the signature page of the Agreement. The parties may, from time to time and at any time, change their respective addresses and each will have the right to specify as its address any other address by at least 10 days written notice to the other party.

- 14. **Interpretation.** Whenever possible, each provision of the Agreement will be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of the Agreement is held to be prohibited by or invalid under applicable law, such provision will be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of the Agreement. The Agreement headings are inserted for convenience of reference only and shall not constitute a part hereof.
- 15. **Governing Law.** The internal law, and not the law of conflicts, of the state in which Owner is located will govern all questions concerning construction, validity and interpretation of the Agreement and the performance of the obligations imposed by the Agreement. The proper venue for any proceeding at law or in equity will be the state and county in which the Owner is located, and the parties waive any right to object to the venue.
- 16. **Further Assurances.** Contractor and Owner will each sign such other documents and take such actions as the other may reasonably request in order to effect the relationships, Services and activities contemplated by the Agreement and to account for and document those activities.
- 17. **Relationship of the Parties.** No representations or assertions will be made or actions taken by either party that could imply or establish any joint venture, partnership, employment or trust relationship between the parties with respect to the subject matter of the Agreement. Except as expressly provided in the Agreement, neither party will have any authority or power whatsoever to enter into any agreement, contract or commitment on behalf of the other, or to create any liability or obligation whatsoever on behalf of the other, to any person or entity. Whenever Contractor is given discretion in the Agreement, Contractor may exercise that discretion solely in any manner Contractor deems appropriate. Contractor shall not be liable to Owner for any Losses incurred by reason of any act or omission performed or omitted by Contractor in good faith on behalf of the Owner and in a manner reasonably believed to be within the scope of authority conferred on Contractor by the Agreement, except that Contractor shall be liable for any such Losses incurred by reason of Contractor's fraud, gross negligence or willful misconduct.
- 18. **Force Majeure.** Neither party will be liable for any failure of or delay in performance of the Agreement for the period that such failure or delay is due to acts of God, public enemy, war, strikes or labor disputes, or any other cause beyond the parties' reasonable control (each a "Force Majeure"), it being understood that lack of financial resources will not to be deemed a cause beyond a party's control. Each party will notify the other party promptly of any Force Majeure occurrence and carry out the Agreement as promptly as practicable after such Force Majeure is terminated. The existence of any Force Majeure will not extend the term of the Agreement.

This Agreement, including all of the terms and conditions set forth above as well any addendum prepared by the Owner (indicate inclusion of Owner Addendum by checking here:) comprises the entire Agreement between the Parties. This Agreement cannot be modified except in writing by the duly authorized representatives of both parties.

| | OWNER | CONTRACTOR |
|----------------------|--------------|-------------------|
| Signor Name: | _____ | _____ |
| Signor Title: | _____ | _____ |
| Signature: | _____ | _____ |
| Date: | _____ | _____ |



Legislation Details (With Text)

| | | | | | |
|-----------------------|--|----------------------|---|--------------------|--|
| File #: | ORD-16:034 | Version: | 1 | Name: | Abandonment of part of an alley east of Vandyne Street |
| Type: | Ordinance | Status: | | Status: | First Reading |
| File created: | 6/22/2016 | In control: | | In control: | City Council |
| On agenda: | | Final action: | | | |
| Title: | AN ORDINANCE TO VACATE AND ABANDON PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS REQUESTED BY HISPANIC COMMUNITY SERVICES, INC. | | | | |
| Sponsors: | | | | | |
| Indexes: | Abandonment | | | | |
| Code sections: | | | | | |
| Attachments: | Engineering and Planning Letter Petition Plat Utility Letters | | | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

AN ORDINANCE TO VACATE AND ABANDON PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS.

CRAIGHEAD COUNTY, JONESBORO, ARKANSAS.

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that:

SECTION ONE: The City of Jonesboro, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to an alley lying south of Lots 9 thru 14 of Block 1 of Hurley and Moore's designated as follows:

PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°21'00" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF VANDYNE STREET A DISTANCE OF 18.70 FEET: THENCE SOUTH 88°22'09" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 188.65 FEET: THENCE NORTH 00°24'45" WEST A DISTANCE OF 21.64 FEET TO A POINT ON THE SOUTH LINE OF LOT 9 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION: THENCE NORTH 89°15'36" EAST ALONG THE SOUTH LINE OF LOTS 9 THRU 14 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION A DISTANCE OF

188.61 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,804 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

SECTION TWO: A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the recorder of Craighead County, Arkansas and shall be filed in the Deed Records of such office.



Associated Engineering, LLC

103 S. Church Street – P.O. Box 1462 – Jonesboro, AR 72403 – Phone: (870) 932-3594 – Fax: (870) 935-1263

June 1, 2016

Planning Department
c/o City of Jonesboro
300S. Church St.
Jonesboro, AR 72401

Dear Mr. Spriggs,

On behalf of City Youth Ministries, we are requesting approval for abandonment of alley of varying width located south of lots 9 thru 14, Block 1 of Hurley Moore’s Addition. This alley is unimproved. The alley we are requesting to close is legally described as follows.

PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°21'00" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF VANDYNE STREET A DISTANCE OF 18.70 FEET: THENCE SOUTH 88°22'09" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 188.65 FEET: THENCE NORTH 00°24'45" WEST A DISTANCE OF 21.64 FEET TO A POINT ON THE SOUTH LINE OF LOT 9 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION: THENCE NORTH 89°15'36" EAST ALONG THE SOUTH LINE OF LOTS 9 THRU 14 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION A DISTANCE OF 188.61 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,804 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

A space has been provided below for your signature acknowledging your concurrence with the action to close this alley.

Thank you for your attention in this matter.

Sincerely,

Patrick W. Lemley, PS
Professional Surveyor

I, OTIS SPRIGGS, concur in the closure of the alley as described above.

(Signature)

TO: Honorable Harold Perrin, Mayor, and members of the City Council of the City of Jonesboro, Arkansas.

PETITION TO ABANDON AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK 1 OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JOENBORO,

We the undersigned, being the owners of all property adjoining to the following described alley located in the City of Jonesboro, Arkansas, described as follows:
PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.


BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°21'00" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF VANDYNE STREET A DISTANCE OF 18.70 FEET: THENCE SOUTH 88°22'09" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 188.65 FEET: THENCE NORTH 00°24'45" WEST A DISTANCE OF 21.64 FEET TO A POINT ON THE SOUTH LINE OF LOT 9 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION: THENCE NORTH 89°15'36" EAST ALONG THE SOUTH LINE OF LOTS 9 THRU 14 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION A DISTANCE OF 188.61 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,804 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

Herewith file and present this petition to the City council of the City of Jonesboro, Arkansas to have all of the utility easement described above legally closed.

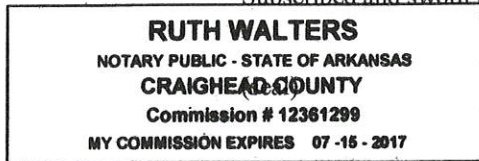
DATED this 31 day of May, 2016.

PROPERTY OWNER: Hispanic Community Services Inc.
311 W Huntington Ave, Jonesboro, AR 72401



Susan Hanrahan, President

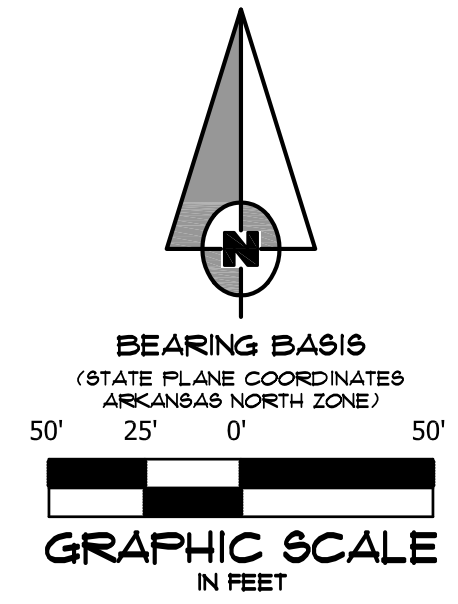
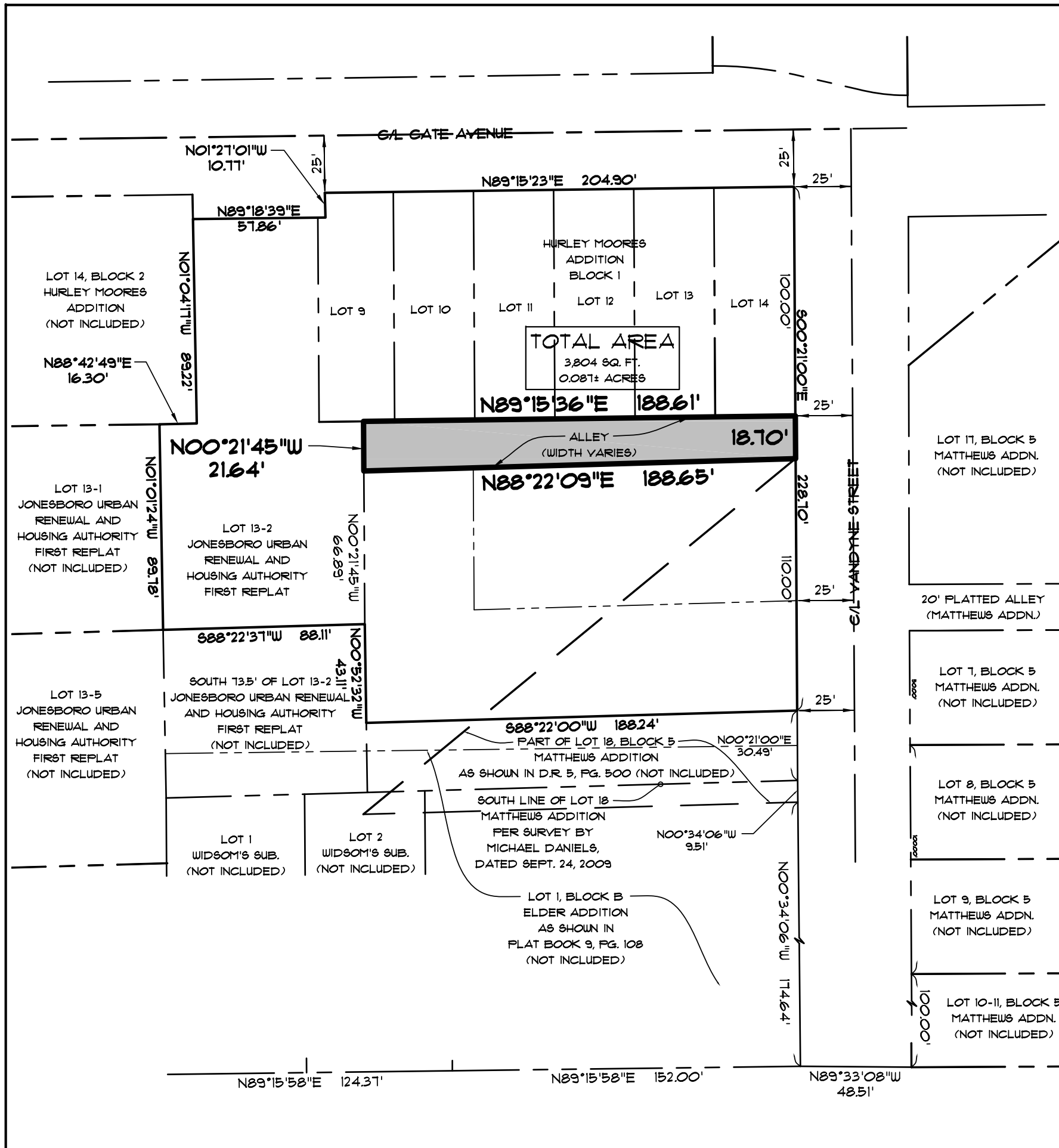
Subscribed and sworn to before me this 31st day of May, 2016.





NOTARY

Expiration date: 7-15-17



DESCRIPTION

PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°21'00" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF VANDYNE STREET A DISTANCE OF 18.70 FEET; THENCE SOUTH 88°22'09" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 188.65 FEET; THENCE NORTH 00°24'45" WEST A DISTANCE OF 21.64 FEET TO A POINT ON THE SOUTH LINE OF LOT 9 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION; THENCE NORTH 89°15'36" EAST ALONG THE SOUTH LINE OF LOTS 9 THRU 14 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION A DISTANCE OF 188.61 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,804 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ALLEY ABANDONMENT SKETCH
 CITY YOUTH MINISTRIES
 GATE AVENUE & VANDYNE STREET
 JONESBORO, ARKANSAS

ASSOCIATED ENGINEERING, LLC
 CIVIL ENGINEERING • LAND SURVEYING
 LAND PLANNING
 103 SOUTH CHURCH STREET • P.O. BOX 1462
 JONESBORO, AR 72403
 PH: 870-932-3594 • FAX: 870-935-1263

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |

| | | | |
|------------|--------------|----------|-----|
| DATE: | 05/17/16 | DRAWN: | CCH |
| CADD FILE: | 14116-003 | CHECKED: | PWL |
| DWG#: | 0414182.0101 | SHEET | |
| SCALE: | 1" = 50' | | |

Nikki Nottingham

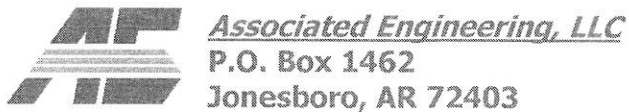
From: Christina Huffmaster [cch@associatedengineering.com]
Sent: Thursday, June 02, 2016 10:22 AM
To: Nikki Nottingham
Subject: FW: Alley Abandonment - Cate and Van Dyne

From: Christina Huffmaster [mailto:cch@associatedengineering.com]
Sent: Thursday, June 02, 2016 10:21 AM
To: Donna Jackson <DJackson@jonesboro.org>
Subject: Alley Abandonment - Cate and Van Dyne

Donna,

Below is the e-mail response from Centerpoint on the Hispanic Community Services property.

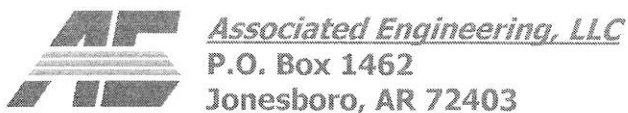
Christina Huffmaster



Ph: 870-932-3594 Fax: 870-935-1263
e-mail: cch@associatedengineering.com

From: Patrick Lemley [mailto:patrick.lemley@associatedengineering.com]
Sent: Thursday, June 02, 2016 10:17 AM
To: cch@associatedengineering.com
Subject: FW: City

Patrick Lemley, PS



Ph: 870-932-3594 Fax: 870-935-1263
e-mail: Patrick.Lemley@associatedengineering.com

From: Tillie, Wayne A. [mailto:wayne.tillie@centerpointenergy.com]
Sent: Thursday, May 26, 2016 1:35 PM
To: patrick.lemley@associatedengineering.com
Subject: City

No conflicts

Thanks

A. Wayne Tillie

Ritter Communications, Inc.
Attn: Alice Martin
2400 Ritter Dr
Jonesboro, AR 72401

UTILITY RELEASE FORM

Telecommunications Easement Abandonment Request

I have been notified of the petition to vacate the following described as follows:

PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°21'00" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF VANDYNE STREET A DISTANCE OF 18.70 FEET: THENCE SOUTH 88°22'09" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 188.65 FEET: THENCE NORTH 00°24'45" WEST A DISTANCE OF 21.64 FEET TO A POINT ON THE SOUTH LINE OF LOT 9 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION: THENCE NORTH 89°15'36" EAST ALONG THE SOUTH LINE OF LOTS 9 THRU 14 OF BLOCK "1" OF SAID HURLEY AND MOORE'S ADDITION A DISTANCE OF 188.61 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,804 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below:

Alice Martin Project Engr III
Ritter Communications, Inc.



Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
870.972.7596 Phone
870.972.7558 Fax

May 25, 2016

Anthony Martinez
AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401

Dear Mr. Lemley,

Please see page 2 of this document for approval of abandonment of the alley in question, Re: PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS. Please be aware that this approval will not take effect until a hard copy has been delivered to the City of Jonesboro City Clerk (Donna Jackson). The delivery of the hard copy must to be completed by Associated Engineering, LLC or an associate of theirs.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Martinez", with a long horizontal flourish extending to the right.

Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design



Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
870.972.7596 Phone
870.972.7558 Fax

UTILITY RELEASE FORM

TELECOMMUNICATIONS EASEMENT ABANDONMENT REQUEST

I have been notified of the petition to vacate the following described as follows:

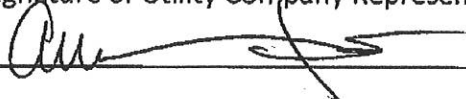
Re: PART OF AN ALLEY LYING SOUTH OF LOTS 9 THRU 14 OF BLOCK "1" OF HURLEY AND MOORE'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS AS RECORDED IN DEED BOOK 15, PAGE 527 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, CRAIGHEAD COUNTY, ARKANSAS.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objections to the vacation(s) described above, reason described below:

Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

Signature of Utility Company Representative:



Date: May 25, 2016



Owned by the Citizens of Jonesboro

June 15, 2016

City of Jonesboro
P.O. Box 1845
Jonesboro, AR 72403
Attn: Donna Jackson


Re: Alley Abandonment
Lying South of Lots 9 thru 14
Block 1
Hurley and Moores Addition
City of Jonesboro,
Craighead County, AR

Dear Ms. Jackson,

City Water and Light has no objection to the abandonment of the alley lying South of Lots 9 thru 14 of Block 1 of Hurley and Moores Addition, as shown on the attached sketch.

Please call if more information is needed.

Sincerely,



Jake Rice, III, PE
Manager, City Water and Light

Enclosures

Cc: Associated Engineering, LLC

Jake Rice III, MANAGER

CITY WATER & LIGHT • 400 East Monroe • P.O. Box 1289 • Jonesboro, Arkansas 72403-1289 • 870/935-5581



Legislation Details (With Text)

| | | | | | |
|-----------------------|---|----------------------|---|--------------|---|
| File #: | ORD-16:035 | Version: | 1 | Name: | Abandonment of a 25 foot right of way west of Arch Street |
| Type: | Ordinance | Status: | | | First Reading |
| File created: | 6/22/2016 | In control: | | | City Council |
| On agenda: | | Final action: | | | |
| Title: | AN ORDINANCE ABANDONING AND VACATING AN UNUSED 25 FOOT STREET RIGHT OF WAY LOCATED WEST OF ARCH STREET AS REQUESTED BY CAREY SMOTHERMON | | | | |
| Sponsors: | | | | | |
| Indexes: | Abandonment | | | | |
| Code sections: | | | | | |
| Attachments: | Engineering and Planning Dept. Letter Petitions Plat Utility Letters | | | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

AN ORDINANCE ABANDONING AND VACATING AN UNUSED 25 FOOT STREET RIGHT OF WAY LOCATED IN:

The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee’s Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley “C” to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR. WHEREAS, the City Council at its regular meeting on July 5, 2016, pursuant to Ark. Stats. Section 14-301-302 through 14-301-304 heard the requests of Carey Smothermon to abandon an unused Street right of way; and

WHEREAS, the City Council held a public hearing and heard all persons desiring to be heard in connection with this matter; and

WHEREAS, the abandonment of said right of way will not adversely affect the City of Jonesboro, and would be in the best interest of all parties concerned.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that;

Section 1. The City of Jonesboro, Arkansas hereby vacates and abandons all of its rights together with the public generally, in and to the right of way, as shown on the recorded plat of the Southeast Quarter of the Southwest Quarter of Section 22, Township 14 North, Range 4 East, dated September 1926, by Cobb & Lee, recorded in the office of the Circuit Clerk for Craighead County in Jonesboro, Arkansas.

Section 2. A copy of the Ordinance duly certified by the Circuit Clerk shall be filed in the office of the Recorder of Craighead County at Jonesboro, Arkansas, and recorded in the Deed Records of Craighead County, Arkansas.

Section 3. The closing, vacating, and abandonment by the City of its rights and the rights of the public generally in the above described right of way are in the public interest and will promote the public peace and welfare.



June 16, 2016

Ridge Surveying
311 S. Church, Suite H
Jonesboro, AR 72401

Re: ROW Abandonment

Dear Mr. McNeese:

The City of Jonesboro Engineering and Planning Departments concur with the abandonment of the street right-of-way described below.

THE RIGHT-OF-WAY OF A 25 FOOT PUBLIC STREET BETWEEN LOTS 12 AND 13 OF COBB & LEE'S SURVEY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 4 EAST, RUNNING EASTERLY FROM ALLEY "C" TO THE WEST RIGHT-OF-WAY OF ARCH STREET, ALSO KNOWN AS NORTH STREET, JONESBORO, AR, CRAIGHEAD COUNTY, AR.

Please call if more information is needed.

Sincerely,

Craig Light, PE, CFM
City Engineer

Otis Spriggs, AICP
Planner

PETITION

To: Honorable Harold Perrin, Mayor, and Members of the City Council of Jonesboro, AR

PETITION TO VACATE A PUBLIC STREET


We, the undersigned, being the owner (s) of the property adjoining the following described property:

The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR.

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have the street described above closed and abandoned.

Dated this 9th day of June, 2016.

PROPERTY OWNER, NAME AND ADDRESS

| | | |
|---|--------------------------|---------------|
|  | <u>Lot 13 Cobb + Lee</u> | <u>6-9-16</u> |
| Signature | | Date |

Subscribed and sworn to before me this 9th day of JUNE, 2016.



Notary

Official Seal
Joshua Neely
Notary Public - Arkansas
Craighead County
My Commission Expires: 09-10-2024
Commission Number: 12400908

Expiration Date: 09/10/2024

PETITION

To: Honorable Harold Perrin, Mayor, and Members of the City Council of Jonesboro, AR

PETITION TO VACATE A PUBLIC STREET

We, the undersigned, being the owner (s) of the property adjoining the following described property:

The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR.

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have the street described above closed and abandoned.

Dated this 8th day of June, 2016.

PROPERTY OWNER, NAME AND ADDRESS

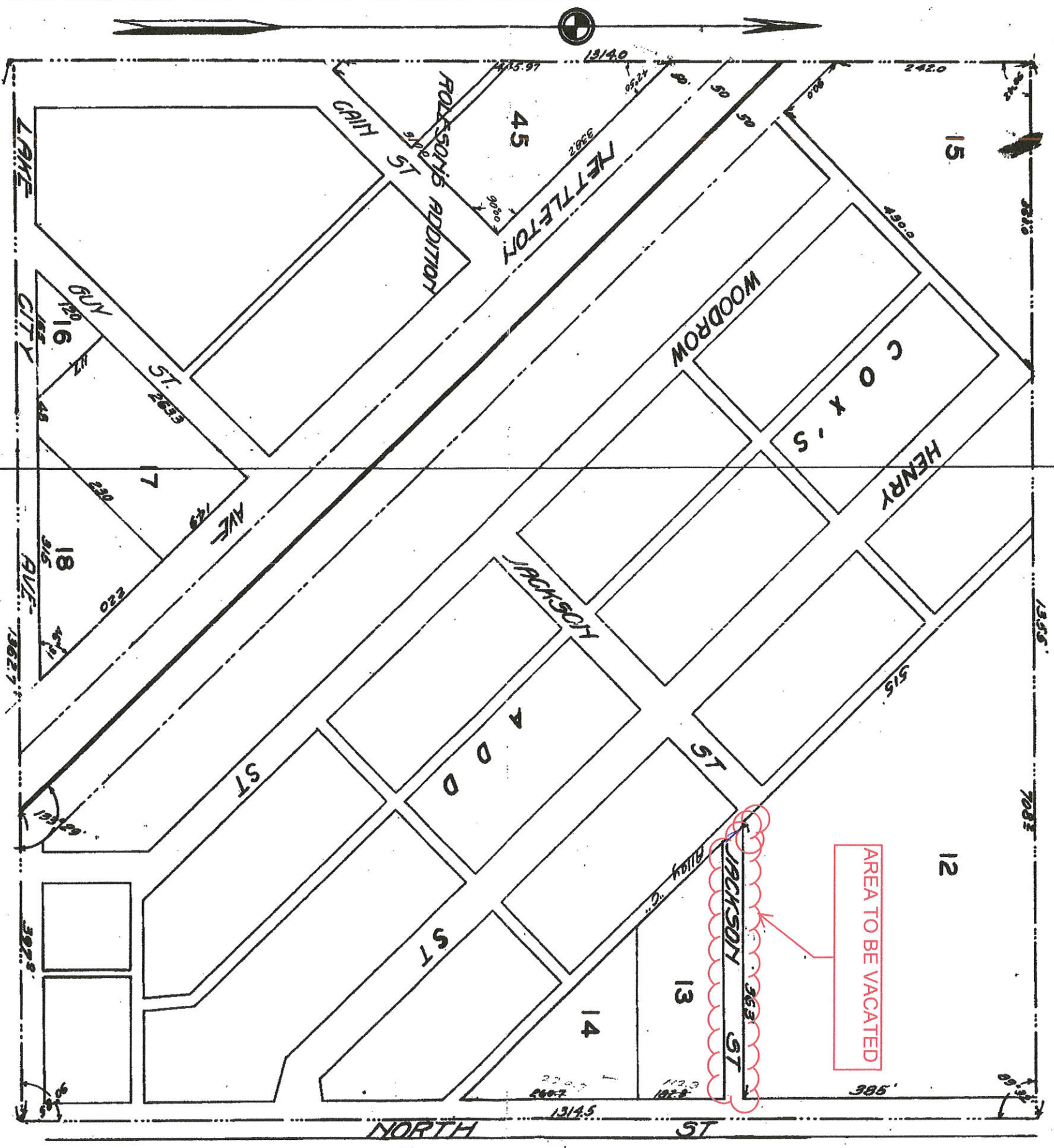
[Signature] LOT 12 COBB & LEE 6/8/16
Signature Date

Subscribed and sworn to before me this 8th day of JUNE, 2016.

[Signature]
Notary

Official Seal
Joshua Neely
Notary Public - Arkansas
Craighead County
My Commission Expires: 09-10-2024
Commission Number: 12400908

Expiration Date: 09/10/2024



Surveyed & Platted September 1926
 by Order of Cleveland County Court

SE 1/4 SW 1/4 SEC. 22 TWP. 14 N., R. 4 E.

Scale: - 1" = 100'

COBB & LEE
 ENGINEERS
 LONGSBORO PARK.

43
 17

Owned by the Citizens of Jonesboro

The logo for City Water & Light (CWL) features the letters 'CWL' in a bold, sans-serif font, enclosed within a rounded rectangular border. The logo is set against a dark, textured background that tapers to the left.

June 8, 2016

City of Jonesboro
P.O. Box 1845
Jonesboro, AR 72403
Attn: Donna Jackson, City Clerk

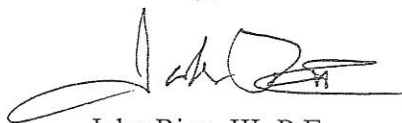
Re: Right of Way Abandonment
Lots 12 & 13 of Cobb & Lee's Survey
Jonesboro, Craighead County, Arkansas

Dear Donna:

City Water and Light has no objection with the abandonment of the 25' Right-Of-Way as platted between Lots 12 & 13 of Cobb & Lee's Survey of the Southeast Quarter of the Southwest Quarter of Section 22, Township 14 North, Range 4 East, running easterly for a distance of approximately 363', from Alley "C" to the West Right-Of-Way of Arch Street, aka North Street, Jonesboro, Craighead County, Arkansas.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jake Rice, III', is written over a horizontal line.

Jake Rice, III, P.E.
Manager, City Water & Light

Enclosure

Cc: Mike McNeese, PS



Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
870.972.7596 Phone
870.972.7558 Fax

June 8, 2016

Anthony Martinez
AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401

Dear Mr. McNeese,

Please see page 2 of this document for approval of abandonment of the right-of-way in question, Re: The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR. Please be aware that this approval will not take effect until a hard copy has been delivered to the City of Jonesboro City Clerk (Donna Jackson). The delivery of the hard copy must to be completed by Ridge Surveying & Consulting, PLLC or an associate of theirs.

Sincerely,

A handwritten signature in black ink, appearing to read "Am", followed by a long horizontal flourish.

Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design



Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
870.972.7596 Phone
870.972.7558 Fax

UTILITY RELEASE FORM

TELECOMMUNICATIONS EASEMENT ABANDONMENT REQUEST

I have been notified of the petition to vacate the following described as follows:

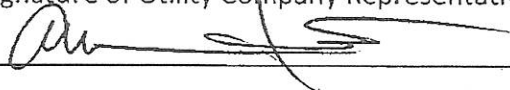
Re: The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objections to the vacation(s) described above, reason described below:

Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

Signature of Utility Company Representative:



Date:

6/8/10



CenterPoint Energy
401 W. Capitol, Suite 600
Little Rock, AR 72201
CenterPointEnergy.com

UTILITY RELEASE FORM

General Utility Easement, Public Access Easement, Alley, Street, R.O.W.

Utility Company: CenterPoint Energy Date: 5/20/2014

Requested Abandonment: A public street between Alley "C" to Arch Street.

Legal Description:

The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR.

UTILITY COMPANY COMMENTS:

No objections to the abandonment(s) described above.

No objections to the abandonment (s) described above, provided the following easements are retained (Exhibit A).

Objects to the abandonment(s) described above, reason described below.

Described reasons for objection or easements to be retained.

[Empty box for describing reasons for objection or easements to be retained]

Clark M. [Signature] 6/18/14
Signature of Utility Company Representative

Engineer Jr.
Title

Mike McNeese

From: Virginia Lowry <Virginia.Lowry@RitterCommunications.com>
Sent: Wednesday, June 08, 2016 3:44 PM
To: Mike McNeese
Cc: Robin Lawless
Subject: RE: Abandonment of Un-improved Street ROW
Attachments: DOC575.pdf

Mr. McNeese

Here is the signed Utility Release form you requested.

Thank you!

Virginia Lowry

Business Account Coordinator

2400 Ritter Drive

Jonesboro, AR 72401

Ph: 870.336.3413 Fax 870.336.9413

virginia.lowry@rittercommunications.com



Please join us in making a difference. Think before you print!

rittercommunications.com



YouTube

This electronic mail transmission may contain confidential or privileged information. If you believe that you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

From: Robin Lawless
Sent: Wednesday, June 08, 2016 9:08 AM
To: Virginia Lowry
Subject: FW: Abandonment of Un-improved Street ROW

From: Mike McNeese [<mailto:mike@ridgesurveying.net>]
Sent: Wednesday, June 08, 2016 9:00 AM
To: Robin Lawless
Subject: FW: Abandonment of Un-improved Street ROW

Robin

Attached are documents in reference to a public street abandonment we are attempting to complete in the city of Jonesboro, AR. The street was never built and there are no utilities present within the abandonment. If you have any additional questions or comments, please feel free to contact us.

RITTER

UTILITY RELEASE FORM

Telecommunications Easement Abandonment Request

I have been notified of the petition to vacate the following described as follows:

The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below:

Paul Barks Director OSP Construction
Signature of Utility Company Representative



UTILITY RELEASE FORM

Telecommunications Easement Abandonment Request

I have been notified of the petition to vacate the following described as follows:

The right-of-way of a 25 foot public street between Lots 12 and 13 of Cobb & Lee's Survey of the southeast quarter of the southwest quarter of Section 22, Township 14 North, Range 4 East, running easterly from Alley "C" to the West Right of Way of Arch Street, aka North Street, Jonesboro, AR, Craighead County, AR.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below:



Signature of Utility Company Representative



Legislation Details (With Text)

File #: ORD-16:037 **Version:** 1 **Name:** Appropriate funds to purchase an excavator
Type: Ordinance **Status:** First Reading
File created: 6/28/2016 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE APPROVING THE PURCHASE OF A CATERPILLAR EXCAVATOR FOR THE STREET DEPARTMENT, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY
Sponsors: Finance, Mayor's Office
Indexes: Budget amendment, Property purchase - personal
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|--------|--------|
| 6/28/2016 | 1 | Finance & Administration Council Committee | | |

AN ORDINANCE APPROVING THE PURCHASE OF A CATERPILLAR EXCAVATOR FOR THE STREET DEPARTMENT, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY WHEREAS, the city is in need of an additional Caterpillar Excavator for the street department to aide in ditch cleaning; and

WHEREAS, there is an urgent need to secure a new Excavator to continue regular work at street department locations and help with flooding issues; and

WHEREAS, prices for the purchase of a new Excavator are located on NJPA cooperative contract at the cost of \$350,380; and

WHEREAS, the City of Jonesboro already owns CAT Excavators and the parts will be interchangeable with this purchase.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas that:

SECTION 1: The Mayor is hereby authorized to purchase said Excavator.

SECTION 2: There is hereby appropriated the sum of \$350,380 from the unappropriated balance in the street fund for the purchase of the Excavator.

SECTION 3: The City Council further finds and declares that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety, this Ordinance shall take effect and be in full force and effect from and after its passage and approval.



Legislation Details (With Text)

| | | | | | |
|-----------------------|--|----------------------|---|----------------------|---|
| File #: | ORD-16:038 | Version: | 1 | Name: | Amend 2016 budget to add two positions to the Street Department |
| Type: | Ordinance | Status: | | Status: | First Reading |
| File created: | 6/28/2016 | In control: | | In control: | Finance & Administration Council Committee |
| On agenda: | | Final action: | | Final action: | |
| Title: | AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2016 BUDGET TO ADD TWO NEW STREET MAINTENANCE LABORERS, AND DECLARING AN EMERGENCY | | | | |
| Sponsors: | Finance, Mayor's Office | | | | |
| Indexes: | Budget amendment, Position - creation/amendment | | | | |
| Code sections: | | | | | |
| Attachments: | | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|--------|--------|
| 6/28/2016 | 1 | Finance & Administration Council Committee | | |

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2016 BUDGET TO ADD TWO NEW STREET MAINTENANCE LABORERS, AND DECLARING AN EMERGENCY WHEREAS, the City of Jonesboro passed the 2016 Budget in Ordinance Number 15:069, which will need to be amended in order to effectuate said increase in the budget for two new positions in the street department, the budgeted amount will need to increase \$58,600.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas that:

SECTION 1: The 2016 Budget is hereby amended to provide for an increase in the budget for two Street Maintenance Laborers in the amount of \$58,600.

SECTION 2: The City Council further finds and declares that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety, this Ordinance shall take effect and be in full force and effect from and after its passage and approval.



Legislation Details (With Text)

| | | | | | |
|-----------------------|---|----------------------|---|--------------------|----------------------------------|
| File #: | ORD-16:039 | Version: | 1 | Name: | Rezoning at 5110 Southwest Drive |
| Type: | Ordinance | Status: | | Status: | First Reading |
| File created: | 6/29/2016 | In control: | | In control: | City Council |
| On agenda: | | Final action: | | | |
| Title: | AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5110 SOUTHWEST DRIVE AS REQUESTED BY JEREMY MOORE | | | | |
| Sponsors: | | | | | |
| Indexes: | Rezoning | | | | |
| Code sections: | | | | | |
| Attachments: | Plat Planning Dept. Report | | | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: R-1 Single Family Residential
TO: C-3 General Commercial (LUO)

THE FOLLOWING DESCRIBED PROPERTY: 5110 Southwest Drive

LEGAL DESCRIPTION: PT S 1/2 NW SE STR 02-13-03 2.46 acres

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

1. The proposed site shall satisfy all requirements of the City Engineer, 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. Adequate visual screening shall be provided to buffer all surrounding residential uses remaining.
4. If and when possible, consolidated curb cuts shall be adhered to and from the site, to allow cross access to other adjacent future developed neighboring tracts of land.
5. The following uses shall be prohibited:
 - Airport
 - Cemetery

- Entertainment, Adult
- Recreational Vehicle Park
- Off Premises Sign (Billboard)
- Agricultural, Animal

A PART OF THE WEST 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS

PREPARED FOR: JAMES BEST

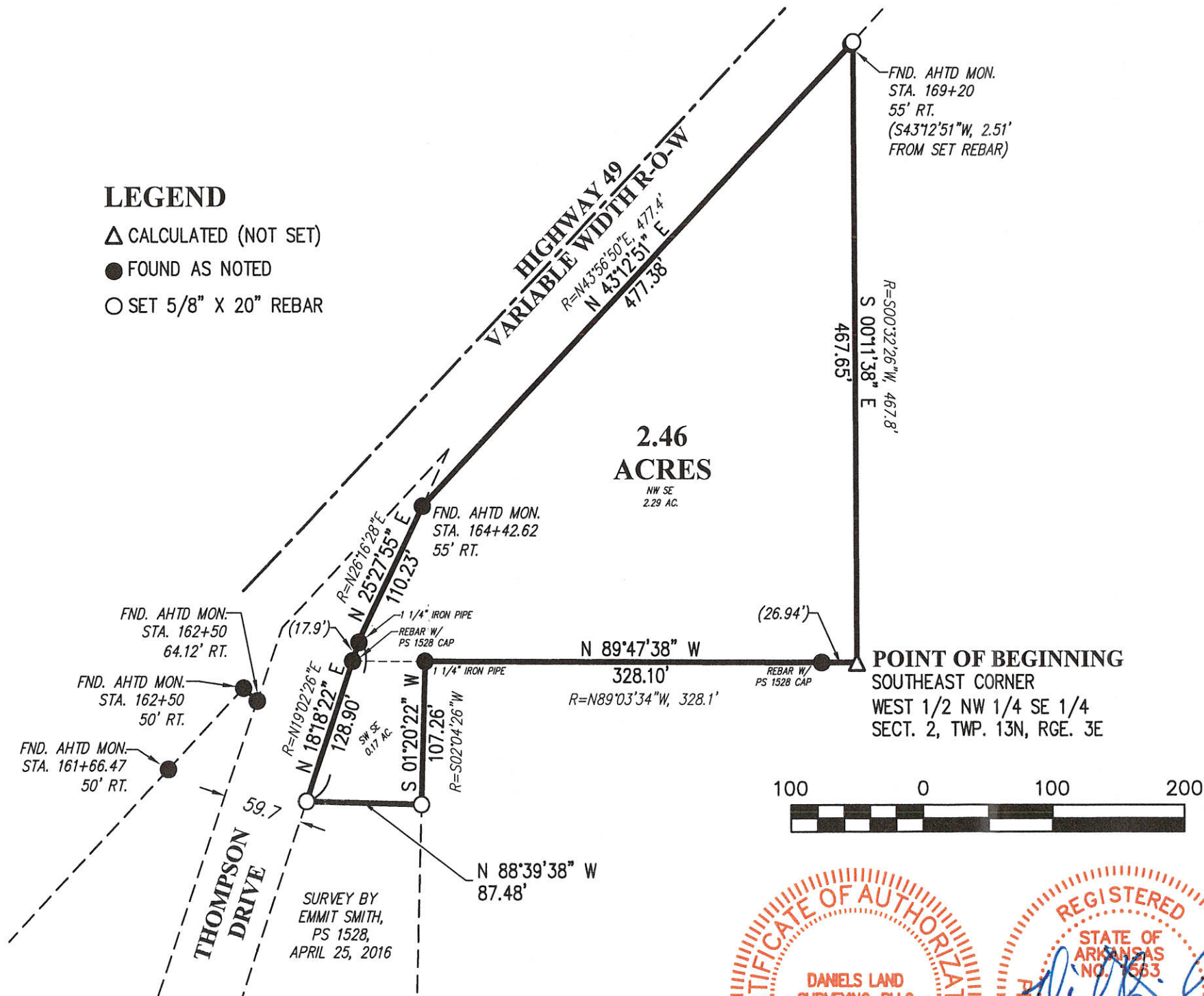
SURVEYOR'S NOTES

1. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
2. THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS SURVEY:
 - SURVEY BY EMMIT SMITH, PS 1528, DATED APRIL 25, 2016.
 - AHTD RIGHT OF WAY MAP, JOB 100454, HIGHWAY 3 – VALLEY VIEW.
 - SURVEY BY JL SCRAPE, PS 515, DATED APRIL 6, 1978
3. THE BASIS OF BEARINGS IS ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83. COORDINATES ARE BASED ON CRAIGHEAD COUNTY LOW DISTORTION PROJECTION LAMBERT CONFORMAL CONIC (SINGLE PARALLEL) STANDARD PARALLEL AND GRID ORIGIN, 35°35'03.22204"N; CENTRAL MERIDIAN, 92°00'00.00000"W; FALSE NORTHING, 0.00000; FALSE EASTING, 0.00000; STANDARD PARALLEL SCALE, 0.999996 (EXACT); NAD 83, NAVD88).
4. THE SUBJECT PROPERTY LIES OUTSIDE THE 100 YEAR SPECIAL FLOOD HAZARD ZONE PER THE FEMA FLOOD INSURANCE RATE MAP 05031C0150 C EFFECTIVE SEPTEMBER 27, 1991.



LEGEND

- △ CALCULATED (NOT SET)
- FOUND AS NOTED
- SET 5/8" X 20" REBAR



LEGAL DESCRIPTION

A PART OF THE WEST ONE HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST ONE HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH 89°47'38" WEST, 328.10 FEET; THENCE SOUTH 01°20'22" WEST, 107.26 FEET; THENCE NORTH 88°39'38" WEST, 87.48 FEET TO THE EAST RIGHT OF WAY OF THOMPSON DRIVE; THENCE ALONG SAID THOMPSON DRIVE THE FOLLOWING COURSES AND DISTANCES: NORTH 18°18'22" EAST, 128.90', NORTH 25°27'55" EAST, 110.23' TO THE EAST RIGHT OF WAY OF HIGHWAY 49; THENCE NORTH 43°12'51' EAST, ALONG SAID HIGHWAY 49, 477.38 FEET; THENCE SOUTH 00°11'38" EAST, LEAVING SAID RIGHT OF WAY, 467.65 FEET TO THE POINT OF BEGINNING, ACCORDING TO A SURVEY BY DANIELS LAND SURVEYING, PLLC, DATED MAY 16, 2016, CONTAINING 2.46 ACRES MORE OR LESS AND BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD...

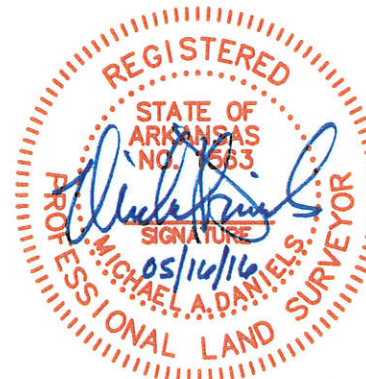
PLAT OF SURVEY

A PART OF WEST 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 13 NORTH, RANGE 3 EAST CRAIGHEAD COUNTY, ARKANSAS

- BOUNDARY SURVEYS
- TOPOGRAPHIC MAPPING
- FLOODPLAIN SURVEYS
- CONSTRUCTION STAKING
- CONSULTING SERVICES

DANIELS LAND SURVEYING, PLLC

500 W. Washington, Jonesboro, AR
 PO Box 1091, 72403 | 870-335-6225
 WWW.DANIELS-LS.COM



NO SITE IMPROVEMENTS OR UTILITIES (ABOVE OR BELOW GROUND) WERE LOCATED DURING THE COURSE OF THIS SURVEY.

City of Jonesboro City Council
Staff Report – RZ 16-13: Southwest Drive Rezoning
Municipal Center - 300 S. Church St.
For Consideration by the Council on July 5, 2016

REQUEST: To consider a rezoning of one tract of land containing 2.46 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “R-1” Single Family Residential District to “C-3” L.U.O. General Commercial District, Limited Use Overlay.

**APPLICANTS/
OWNER:** Prestige Statewide, LLC., 2013 Jamestown, Jonesboro, AR 72401

LOCATION: 5110 Southwest Drive, Jonesboro, AR 72404

**SITE
DESCRIPTION:** **Tract Size:** Approx. +/- 2.46 Acres
Street Frontage: 500 Feet along Southwest Drive
Topography: Mostly Wooded and flat.
Existing Development: This site is currently undeveloped.

SURROUNDING CONDITIONS:

| ZONE | LAND USE |
|-------|-------------------------------------|
| North | R-1 Single Family Residential House |
| South | R-1 Single Family, Undeveloped |
| East | R-1 Single Family, Undeveloped |
| West | R-1 Single Family, Undeveloped |

HISTORY: This land has always been undeveloped.

ZONING ANALYSIS

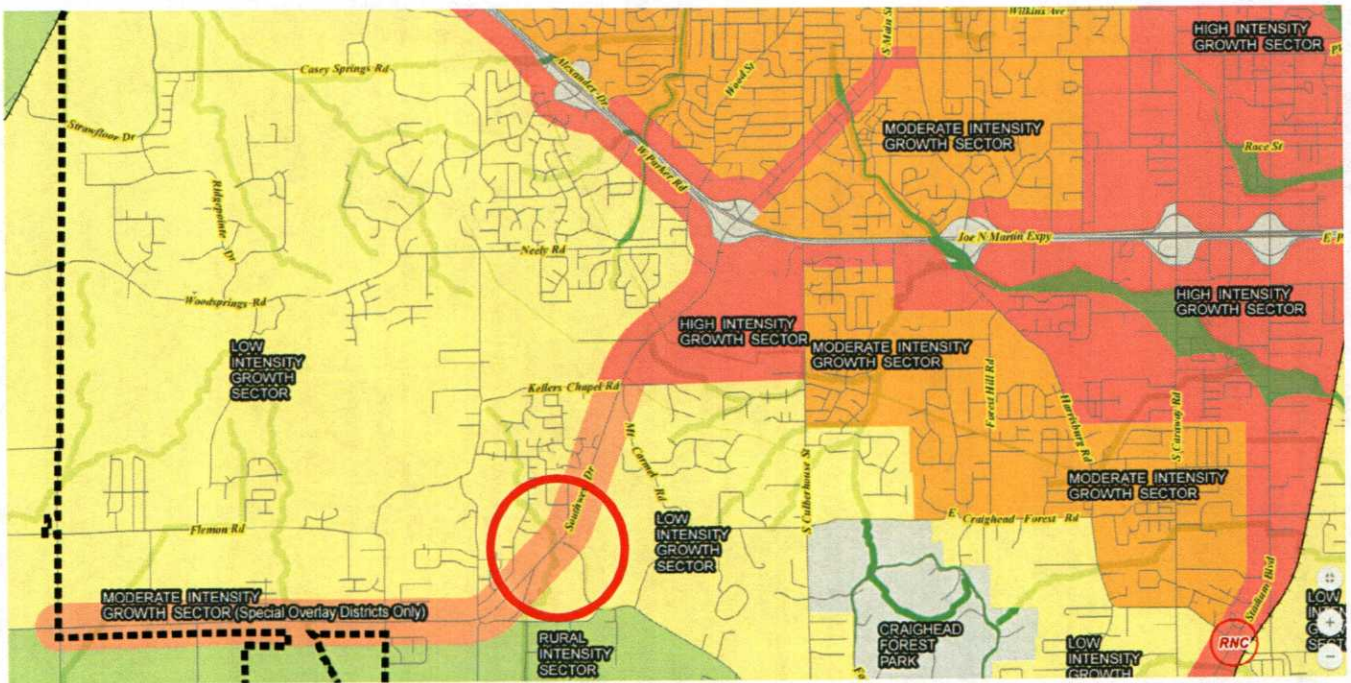
City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overall District Only). With the suggested Limited Use Overlay, the MAPC will be afforded an opportunity to gain more detailed information that will give assurance of a well-designed infill development that will enhance the area.

Moderate Intensity Recommended Use Types Include:

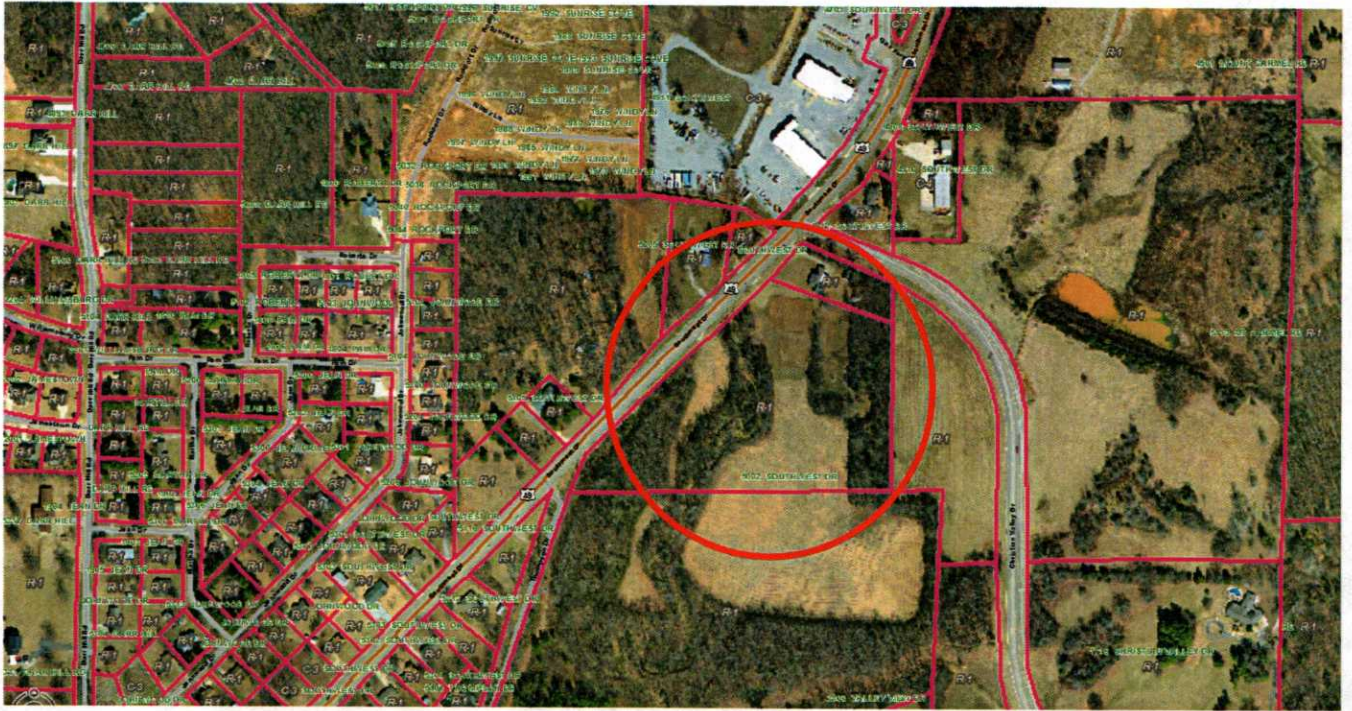
- Single Family Residential
- Attached Single Family, duplexes, triplexes and fourplexes
- Neighborhood retail, Neighborhood services
- Office parks
- Smaller medical offices
- Libraries, schools, other public facilities
- Senior living centers/nursing homes, etc.
- Community-serving retail
- Small supermarket
- Convenience store
- Bank
- Barber/beauty shop
- Farmer's Market
- Pocket Park



Land Use Map

Master Street Plan/Transportation

The subject property is served by Southwest Drive. This road is classified on the Master Street Plan as a proposed Principal Arterial. The applicant will be required to adhere to the Master Street Plan recommendations.



Aerial/Zoning Map



Aerial View

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 list on the next page.

| Criteria | Explanations and Findings | Comply Y/N |
|---|--|---|
| (a) Consistency of the proposal with the Comprehensive Plan/Land Use Map | The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a Moderate Intensity Growth Sector (Special Overall District Only) the applicants as requested a limited use overlay district. |  |
| (b) Consistency of the proposal with the purpose of Chapter 117-Zoning. | The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all C-3 District standards. |  |
| (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area. | Compatibility is achieved with this rezoning considering the location. |  |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment; | There are other commercial developments in the area. However, without the proposed zoning map amendment for this lot, the applicant will not be able to develop land for commercial use. |  |
| (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; | No detrimental or adverse impacts are predicted, if proper assess management controls are implemented, buffering and screening for adjacent residential to remain, and limitation of incompatible uses adjacent to residential. |  |
| (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 | The property has been vacant and undeveloped for several years. |  |
| (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 | No detrimental or adverse impacts are predicted, if proper assess management controls are implemented, buffering and screening for adjacent residential, and limitation of incompatible uses to residential. |  |

The Applicant specified the prohibited uses as Adult Entertainment, Airport, Cemetery, Recreational Vehicle Park, Off-premises Sign (Billboard), Agricultural/Animal for site.

Staff Findings:

Applicant's Purpose

The proposed area is currently classified as an R-1 Single-family residential zone. Located at 5110 Southwest Drive, this area already has some commercial and industrial development along the corridor. This location would make an ideal location for other businesses. The applicant requests that this area be rezoned for additional commercial development.

Rezoning this property is consistent with the *Jonesboro Comprehensive Land Use Plan*. Rezoning makes sense considering there are already commercial businesses located in the area along with other development and growth trends in this sector. Under the current zoning classification, the applicant cannot develop this property for commercial businesses. As far as records reflect, this property has always been vacant. Rezoning this property would positively impact the community, especially in terms of curb appeal and economic development.

Chapter 117 of the City Code of Ordinances/Zoning defines C-3/General Commercial Districts as follows:

Definition of C-3 General Commercial Districts - The purpose of a C-3 district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial streets. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

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 were reported | |
| Streets/Sanitation | No issues were reported | |
| Police | Reported no issues. | |
| Fire Department | Reported no issues. | |
| MPO | Reported no issues. | |
| Jets | Reported no issues. | |
| Utility Companies | Reported no issues. | |

Zoning Code Allowable Uses:

The City of Jonesboro Zoning Resolution includes a list of permitted uses within C-3 Districts as follows (Note the highlighted uses in yellow are suggested to be prohibited due to adverse impacts on the surrounding area.) Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank within the Zoning Ordinance Chapter 117:

| List of Commercial Uses | | C-3 General Commercial | List of Commercial Uses | | C-3 General Commercial |
|---------------------------------------|--|------------------------|--|--|------------------------|
| Civic and commercial uses | | | Civic and commercial uses | | |
| 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 |
| Warehouse, residential (mini) storage | | Conditional | 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 | | | |
| Museum | | Permitted | Industrial, manufacturing and extractive uses | | |
| Agricultural uses | | | Freight terminal | | Conditional |
| Agriculture, animal | | Conditional | Research services | | Conditional |
| Agriculture, farmers market | | Permitted | | | |

MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 28, 2016

Applicant: Mr. Jeremy Moore representing Prestige Statewide requested a rezoning for 5110 Southwest Drive from R-1 Single Family Residential District to C-3 General Commercial District Limited Use Overlay. They want this rezoning so the land could be easier developed for something like a restaurant or gas station.

Staff: Mr. Otis Spriggs presented staff comments directly from the staff summary that that the requested Zoning Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 16-13 a request to rezone property from "R-1" Single-Family Residential to "C-3" General Commercial District, Limited Use Overlay; the following conditions are recommended:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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. Adequate visual screening shall be provided to buffer all surrounding residential uses remaining.
4. If and when possible, consolidated curb cuts shall be adhered to and from the site, to allow cross access to other adjacent future developed neighboring tracts of land.
5. The following uses shall be prohibited:
 - Airport
 - Cemetery
 - Entertainment, Adult
 - Recreational Vehicle Park
 - Off Premises Sign (Billboard)
 - Agricultural, Animal

No issues were reported by the various departments. He explained that staff has no issues with this request as long as the applicant adheres to all conditions attached to the request. He also mentioned that staff has received no negative feedback regarding this request.

Public Input: Mr. Smith showed up to the meeting to support the rezoning of this property. Mr. Ryan Russell also showed up in support of this rezoning.

Commission:

Mr. Kevin Bailey made the motion to approve the Case: RZ 16-13 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that changing the zoning of this property from "R-1" Single Family Residential District to the proposed "C-3" L.U.O., General Commercial District, Limited Use Overlay, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future. Mr. Jim Scurlock seconded the motion.

The motion PASSED with the following (7-0) vote:

Voting Aye: 7 - Mr. Ron Kelton; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Rick Stripling; Mr. Jerry Reece; Mr. Brant Perkins; Mr. Paul Hoelscher

Absent: 1 - Mr. Jimmy Cooper

Conclusion:

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 16-06 a request to rezone property from "R-1" Single-Family Residential to "C-3" General Commercial District, Limited Use Overlay; the following conditions are recommended:

1. That the proposed site shall satisfy all requirements of the City Engineer, 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. Adequate visual screening shall be provided to buffer all surrounding residential uses remaining.
4. If and when possible, consolidated curb cuts shall be adhered to and from the site, to allow cross access to other adjacent future developed neighboring tracts of land.
5. The following uses shall be prohibited:
 - Airport
 - Cemetery
 - Entertainment, Adult
 - Recreational Vehicle Park
 - Off Premises Sign (Billboard)
 - Agricultural, Animal

Respectfully Submitted for Planning Commission Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Sample Motion:

I move that we place Case: RZ-16-13 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from "R-1" Single Family to "C-3", L.U.O., General Commercial District, Limited Use Overlay will be compatible and suitable with the zoning, uses, and character of the surrounding area.



View looking North



View Looking East



View looking South



View looking West



Legislation Details (With Text)

| | | | | | |
|-----------------------|---|----------------------|---|--------------------|---|
| File #: | ORD-16:041 | Version: | 1 | Name: | Rezoning in the 5900 block of Southwest Drive |
| Type: | Ordinance | Status: | | Status: | First Reading |
| File created: | 6/30/2016 | In control: | | In control: | City Council |
| On agenda: | | Final action: | | | |
| Title: | AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-1 LUO FOR PROPERTY LOCATED IN THE 5900 BLOCK OF SOUTHWEST DRIVE AS REQUESTED BY VALLEY VIEW STORAGE | | | | |
| Sponsors: | | | | | |
| Indexes: | Rezoning | | | | |
| Code sections: | | | | | |
| Attachments: | Survey Planning Dept. Report | | | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Residential, R-1
TO: Industrial, I1 L.U.O.

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

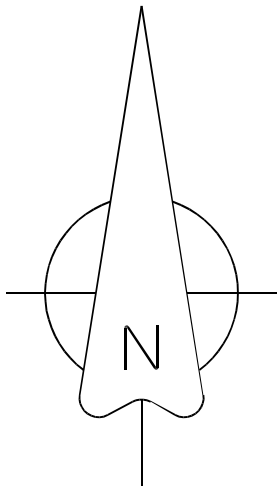
A part of the East Half of the Southwest Quarter of Section 3, Township 13 North, Range 3 East, Craighead County, Arkansas and being more particularly described as follows:
Commencing at the South Quarter corner of said Section 3; thence North 00°09'27" East 97.76 feet to the North right of way line of Highway 49, the point of beginning proper; thence North 86°53'44" West 429 feet along said right of way; thence North 00°09'27" East 133.73 feet; thence South 89°11'32" East 119.33 feet; thence North 00°09'27" East 311.00 feet; thence South 89°50'33" East 310 feet; thence South 00°09'27" West 465.50 feet to the point of beginning proper, having an area of 158071.49 square feet, 3.63 acres more or less and being subject to all public and private roads.

SECTION 2: The rezoning of this property shall adhere to the following stipulations:

1. The L.U.O. shall allow the following permitted uses:

- a. Automated teller machine
 - b. Bank or financial institution
 - c. Cemetery
 - d. Church
 - e. College or University
 - f. Communication Tower
 - g. Construction sales and service
 - h. Government service
 - i. Library
 - j. Medical service/office
 - k. Recreation vehicle park
 - l. Restaurant, general or fast-food
 - m. Safety services
 - n. School, elementary, middle, and high
 - o. Service station
 - p. Sign, off premises
 - q. Utility, minor
 - . Vehicle and equipment sales
 - s. Vehicle repair, general or limited
 - t. Vocational school
 - u. Warehouse, residential (mini) storage
 - v. Vehicular and equipment storage yard
 - w. Freight terminal
 - x. Manufacturing, general or limited
 - y. Research services
 - z. Warehousing
 - aa. Welding or machine shop
 - bb. Agriculture, farmer's market
-
2. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
 3. 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.
 4. Any change of use shall be subject to Planning Commission approval in the future.
 5. A final site plan illustrating compliance with the site requirements for parking, signage, landscaping, fencing, buffering, etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
 6. That the future use of the property be limited to the list of uses above (Limited Use Overlay) as approved by the MAPC.

FD IRON PIPE
CENTER OF SECTION 3,
TOWNSHIP 13 NORTH, RANGE 3
EAST



PLAT "C" @ PG 203

LOT 1
DANNY FLEMON'S
FIRST REPLAT

DANIEL FLEMON
DEED BOOK 448 @ PG. 353

DANIEL FLEMON
DEED BOOK 448 @ PG. 353

SURVEY BY TROY SHEETS
DATED 3-29-1989
BOOK "H" @ PAGE 1989

NW 1/4, SW 1/4

C/L SHELTON CREEK

DEED OVER LAPS

DEED OVER LAPS

DEED OVER LAPS

SW 1/4, SW 1/4

SE 1/4, SW 1/4

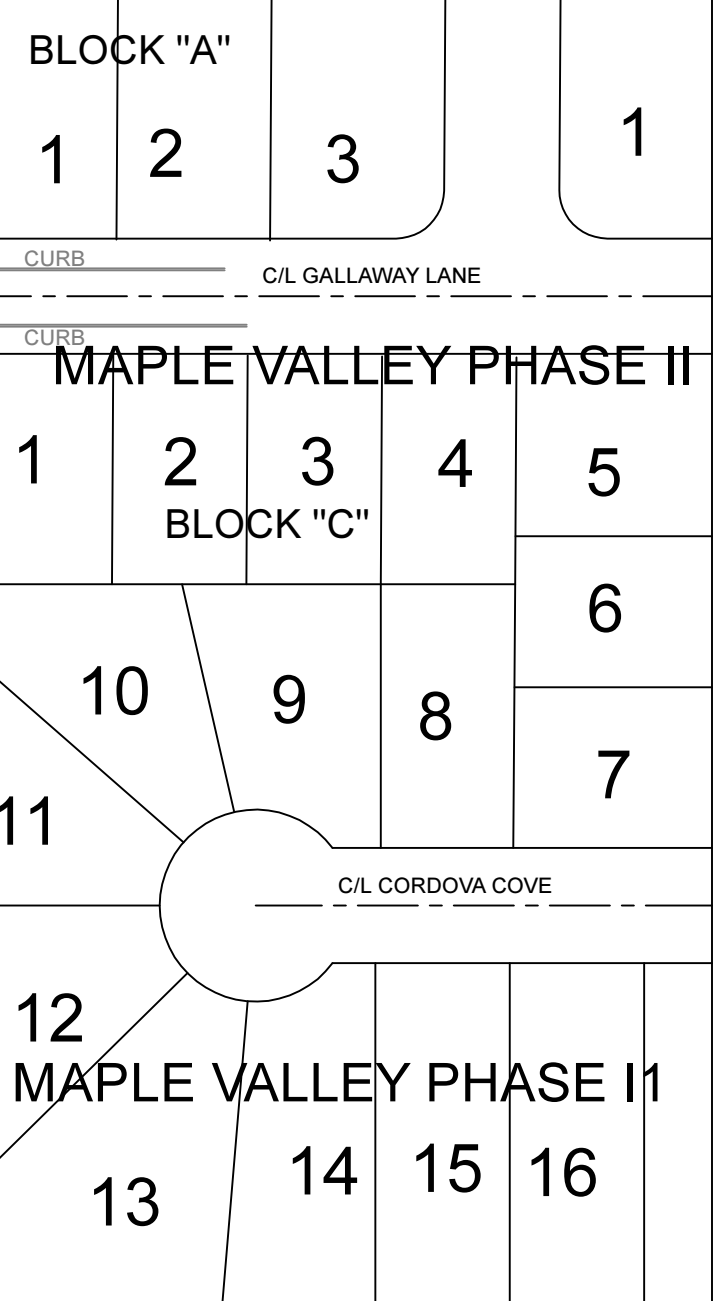
NE 1/4, SW 1/4
SE 1/4, SW 1/4

NE 1/4, SW 1/4
SE 1/4, SW 1/4

TRACT 1
1002147.47 Sq. Feet
23.01 Acres

TRACT 2
797132.15 Sq. Feet
18.30 Acres

TRACT 3
158071.49 Sq. Feet
3.63 Acres



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 00°09'27" E | 133.73 |
| L2 | N 89°12'32" W | 210.62 |
| L3 | N 00°09'27" E | 97.76 |
| L4 | S 13°51'30" E | 128.86 |
| L5 | S 00°13'02" E | 97.53 |
| L6 | S 12°01'18" W | 49.34 |
| L7 | S 31°50'13" W | 80.09 |
| L8 | N 89°46'05" E | 166.56 |
| L9 | S 84°50'03" E | 71.30 |
| L10 | S 63°56'43" E | 161.56 |
| L11 | S 34°05'06" E | 68.56 |
| L12 | S 22°53'03" E | 70.64 |
| L13 | S 49°15'13" E | 56.15 |
| L14 | S 89°28'15" E | 49.32 |
| L15 | S 39°19'18" E | 105.78 |
| L16 | S 11°43'56" E | 49.26 |
| L17 | N 00°09'27" E | 124.95 |
| L18 | S 89°11'32" E | 119.33 |
| L19 | N 89°15'55" W | 119.33 |

C/L SHELTON CREEK

HIGHWAY No. 49

DESCRIPTION: TRACT 1
A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
Commencing at the South Quarter corner of said Section 3; thence North 00°09'27" East 97.76 feet to the North right of way Highway No. 49; thence North 89°53'44" West 429.90 feet along said right of way; thence North 00°09'27" East 133.73 feet; thence North 89°12'32" West 210.62 feet; thence North 00°09'27" East 97.76 feet to the point of beginning proper; thence North 00°09'27" East 1395.51 feet; thence North 89°31'28" West 850.67 feet to the center line of Shelton Creek; thence South 13°51'30" East 128.86 feet along said creek; thence South 00°13'02" East 97.53 feet along said creek; thence South 12°01'18" West 49.34 feet along said creek; thence South 31°50'13" West 80.09 feet along said creek; thence North 89°46'05" East 166.56 feet; thence South 00°18'19" West 808.79 feet to the center line of Shelton Creek; thence South 84°50'03" East 71.30 feet along said creek; thence South 63°56'43" East 161.56 feet along said creek; thence South 34°05'06" East 68.56 feet along said creek; thence South 22°53'03" East 70.64 feet along said creek; thence South 49°15'13" East 56.15 feet along said creek; thence South 89°28'15" East 49.32 feet along said creek; thence South 39°19'18" East 105.78 feet along said creek; thence South 11°43'56" East 49.26 feet along said creek to the North right of way line of Highway No. 49; thence South 86°50'22" East 254.94 feet along said right of way; thence North 00°09'27" East 124.95 feet to the point beginning proper, having an area of 002147.47 square feet, 23.01 acres more or less and being subject to all public and private roads and easements.

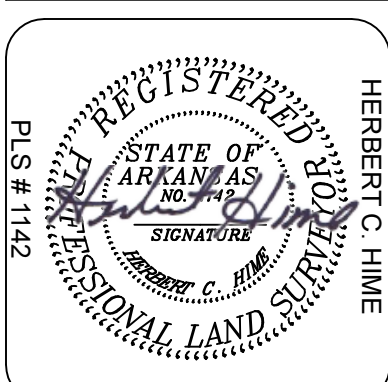
DESCRIPTION: TRACT 2
A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
Commencing at the South Quarter corner of said Section 3; thence North 00°09'27" East 97.76 feet to the North right of way line of Highway No. 49; thence North 86°53'44" West 429.90 feet along said right of way; thence North 00°09'27" East 133.73 feet to the point of beginning proper; thence North 89°12'32" West 210.59 feet; thence North 00°09'27" East 1395.51 feet; thence South 89°31'28" East 639.88 feet; thence South 00°09'49" West 325.99 feet; thence South 00°09'27" West 758.63 feet; thence North 89°50'33" West 310.00 feet; thence South 00°09'27" West 311.00 feet; thence North 89°11'32" West 119.33 feet to the point of beginning proper, having an area of 797132.15 square feet, 18.30 acres more or less and being subject to all public and private roads and easements.

DESCRIPTION: TRACT 3
A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
Commencing at the South Quarter corner of said Section 3; thence North 00°09'27" East 97.76 feet to the North right of way line of Highway No. 49; the point of beginning proper; thence North 86°53'44" West 429.90 feet along said right of way; thence North 00°09'27" East 133.73 feet; thence South 89°11'32" East 119.33 feet; thence North 00°09'27" East 311.00 feet; thence South 89°50'33" East 310.00 feet; thence South 00°09'27" West 465.50 feet to the point of beginning proper, having an area of 158071.49 square feet, 3.63 acres more or less and being subject to all public and private roads.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY I HAVE ON THIS DATE SURVEYED THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH MONUMENTS FOUND THIS PLAT CONFORMS TO THAT SURVEYED.

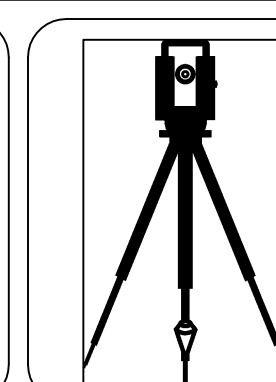
H&S HIME PROFESSIONAL SURVEYING SERVICES
2619 CARAWAY RD. STE. "D"
JONESBORO, ARKANSAS 72401

STATE CODE: 500-13N-03E-0-03-300-16-1142



DATE: 4-22-2016
REV:
DRAWN BY: H. HIME

PLAT OF SURVEY
A PART OF THE SOUTHWEST QUARTER OF SECTION 3,
TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD
COUNTY, ARKANSAS
CLIENT: MARK MORRIS



H&S HIME PROFESSIONAL SURVEYING SERVICES

2619 CARAWAY RD. SUITE "D"
JONESBORO, ARKANSAS 72401

PHONE: 870-972-1288
E-MAIL: hshime_butch@yahoo.com

City of Jonesboro City Council
Staff Report – RZ 16-12: 5900 Southwest Drive
 Municipal Center - 300 S. Church St.
For Consideration by the Council on July 5, 2016

REQUEST: To consider a rezoning of one tract of land containing 3.63 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 3.63 acres of land located at 5900 Block Southwest Drive, between Maple Valley Drive & Adam Dr. from “R-1” Single Family Residential District to “I-1” L.U.O. Limited Industrial District.

**APPLICANTS/
OWNER:** Valley View Storage, LLC. 225 S. Main Street, Suite 102, Jonesboro, AR 72401

LOCATION: 5900 Block Southwest Drive, Jonesboro, AR 72404

SITE DESCRIPTION: **Tract Size:** Approx. 3.63 Acres
Street Frontage: 640 Feet along Southwest Drive
Topography: Undeveloped flat.
Existing Development: Single family house

SURROUNDING CONDITIONS:

| ZONE | LAND USE |
|-------|--|
| North | R-1 Undeveloped |
| South | C-3 LUO General Commercial District and I-1 Industrial District |
| East | R-1 Single Family Residential Housing |
| West | R-1 Single Family Residential Housing and C-3 General Commercial LUO |

HISTORY: Currently undeveloped.

ZONING ANALYSIS

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector. A wider mix of land uses is appropriate in the moderate intensity sectors. Control of traffic is probably the most important consideration in this sector. Additionally, good building design, use of quality construction materials, and more abundant landscaping are important considerations in what is approved, more so than the particular use. Limits on hours of operation, lighting standards, screening from residential uses, etc. may be

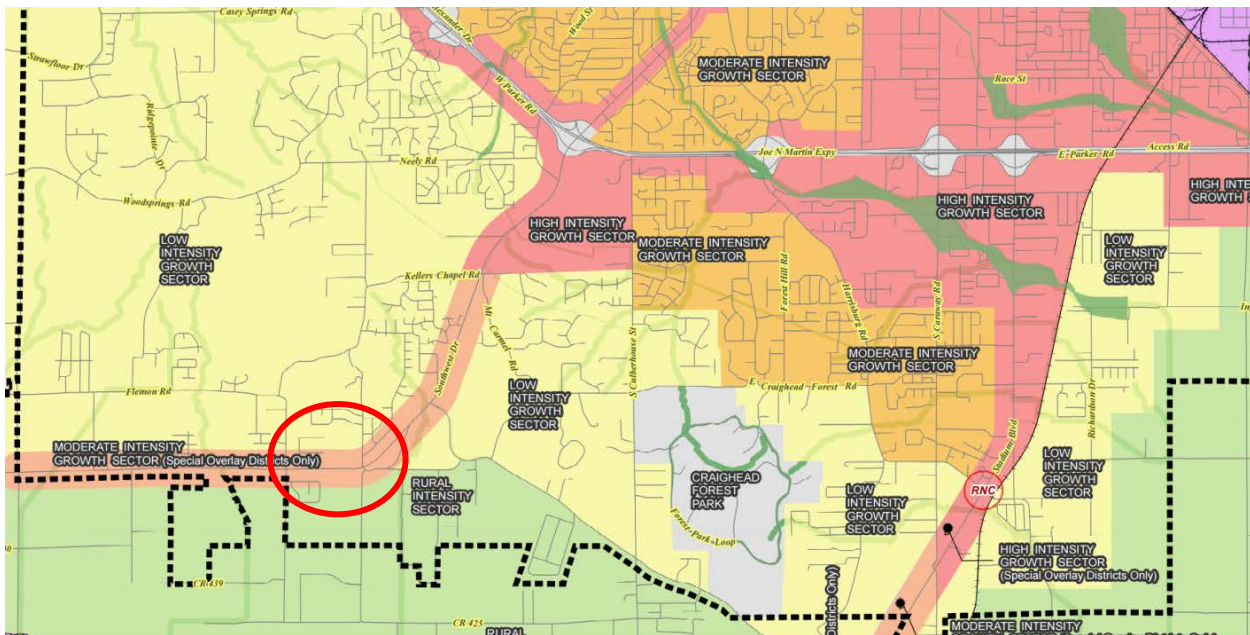
appropriate. Consideration should be given to appropriate locations of transit stops.

Moderate Intensity Growth Recommended Use Types Include:

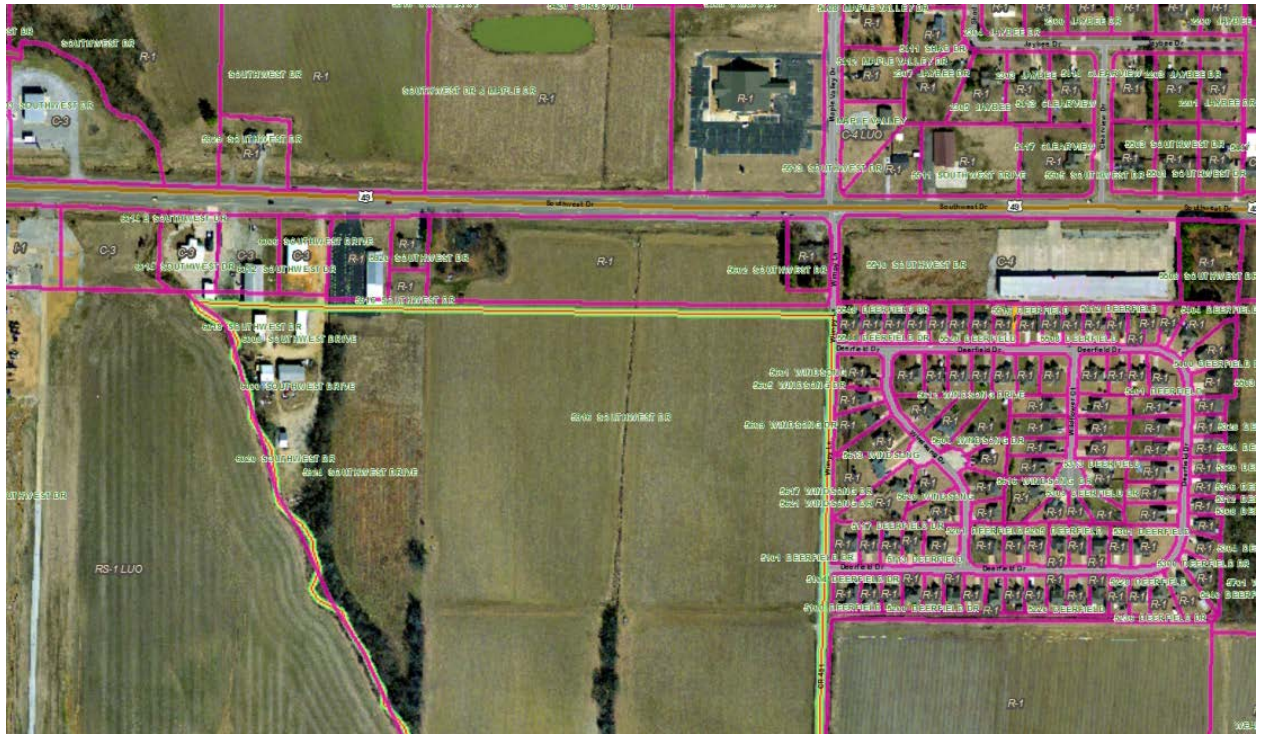
- Single Family Residential
- Attached Single Family, Duplexes, Triplexes and Fourplexes
- Neighborhood Retail, Neighborhood Services
- Office parks
- Smaller medical offices
- Libraries, schools, and other public facilities
- Senior living centers/nursing homes, etc.
- Community-serving retail
- Small supermarket
- Convenience store
- Bank
- Barber/beauty shop
- Farmer’s market
- Pocket Park

Master Street Plan/Transportation

The subject site is served by Southwest Drive, which on the Master Street Plan is defined as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan.



Adopted Land Use Map










Aerial/Zoning Map



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 RM-12 rezoning is consistent with the Future Land Use Plan, which was categorized as a Moderate Intensity Growth Sector |  |
| (b) Consistency of the proposal with the purpose of Chapter 117-Zoning. | The proposal will achieve consistency with the purpose of Chapter 117. |  |
| (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area. | Compatibility is achieved. This is a moderate growth area. There are already several lots in this area on Southwest Drive that are not classified as R-1. |  |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. | Property is suitable for I-1 LUO development. |  |
| (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. | This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses. |  |
| (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. | Except for the single family house currently on the land, this property has been undeveloped for several years. |  |
| (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 due to the fact that several lots in the area are already zoned something other than R-1. |  |

Staff Findings:

Applicant’s Purpose:

The applicant purchased the property wanting to build a self-storage facility, approximately 50,000 sq. ft. of units. The rezoning is necessary because their company would be unable to construct this facility within the current zoning. The land is currently undeveloped. The applicant feels like he can develop the property while having very little impact on the surrounding area.

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

I-1 LUO Classification. This district is to accommodate freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted. Suitable transportation facilities are necessary to this district.

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 objections to this rezoning to date. | |
| Streets/Sanitation | No objections to this rezoning to date. | |
| Police | No objections to this rezoning to date. | |
| Fire Department | No objections to this rezoning to date. | |
| MPO | No objections to this rezoning to date. | |
| Jets | No objections to this rezoning to date. | |
| Utility Companies | No objections to this rezoning to date. | |

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested I-1 Limited Industrial District. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank:

| Uses | I-1 LUO | Uses | I-1 LUO |
|------------------------------------|---------|---------------------------------------|---------|
| Manufactured Housing Unit | C | Restaurant, general | P |
| Airport or Airstrip | C | Retail/service | C |
| Animal care, general | C | Safety services | P |
| Auditorium or stadium | C | School, elementary, middle and high | P |
| Automated teller machine | P | Service station | P |
| Bank or financial institution | P | Sign, off premises | P |
| Carwash | C | Utility, major | C |
| Cemetery | P | Utility, minor | P |
| Church | P | Vehicle and equipment sales | P |
| College or University | P | Vehicle repair, general | P |
| Communication Tower | P | Vehicle repair, limited | P |
| Construction sales and service | P | Vocational school | P |
| Convenience store | C | Warehouse, residential (mini) storage | P |
| Day care, limited (family home) | C | Vehicular and equipment storage yard | P |
| Day care, general | C | Asphalt or concrete plant | C |
| Entertainment, adult | C | Auto wrecking or salvage yard | C |
| Government service | P | Basic industry | C |
| Indoor firing range | C | Freight terminal | P |
| Library | P | Manufacturing, general | P |
| Medical service/office | P | Manufacturing, limited | P |
| Museum | C | Mining or quarrying | C |
| Office, general | C | Research services | P |
| Parking lot, commercial | C | Solid waste incinerator | C |
| Parks and recreation | C | Warehousing | P |
| Pawn shops | C | Welding or machine shop | P |
| Post office | C | Agriculture, animal | C |
| Recreation/entertainment, indoor | C | Agriculture, crop | C |
| Recreation /entertainment, outdoor | C | Agriculture, farmers market | P |
| Recreation vehicle park | P | Agriculture, product sales | C |
| Restaurant, fast-food | P | | |

MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 28, 2016

Applicant: Mr. Jay MaCloud requested a rezoning from R-1 Single Family Residential District to I-1 Industrial District for 5921 Southwest Drive so they can build and operate a storage business on this lot.

Staff: Mr. Otis Spriggs presented staff comments directly from the staff summary that that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-12, a request to rezone property from “R-1” Single Family Residential District to “I-1” LUO Limited Industrial District subject to final site plan approval by the MAPC.

No issues were reported by the various departments. He explained that staff has no issues with this request as long as the applicant adheres to all conditions attached to the request. He also mentioned that staff has received no negative feedback regarding this request.

The applicants will have to comply with the list of uses in the conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

Public Input: There was none.

Commission:

Mr. Jerry Reece made the motion to approve the Case: RZ 16-12 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that changing the zoning of this property from “R-1” Single Family Residential District to the proposed “I-1” LUO, Limited Industrial District, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future. Mr. Kevin Bailey seconded the motion.

The motion PASSED with the following (8-0) vote:

Voting Aye: 8 - Mr. Lonnie Roberts; Mr. Ron Kelton; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Rick Stripling; Mr. Jerry Reece; Mr. Brant Perkins; Mr. Paul Hoelscher

Absent: 1 - Mr. Jimmy Cooper

Conclusion:

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-12, a request to rezone property from “R-1” Single Family Residential District to “I-1” LUO Limited Industrial District subject to final site plan approval by the MAPC.

- 5. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
- 6. 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.
- 7. Any change of use shall be subject to Planning Commission approval in the future.
- 8. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

Respectfully Submitted for Planning Commission Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking North



View looking South



View looking East



View looking West



Legislation Details (With Text)

File #: ORD-16:042 **Version:** 1 **Name:** Rezoning at 3423 Hudson
Type: Ordinance **Status:** First Reading
File created: 6/30/2016 **In control:** City Council
On agenda: **Final action:**

Title: AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-12 LUO FOR PROPERTY LOCATED AT 3423 HUDSON AS REQUESTED BY ROBIN CALDWELL

Sponsors:

Indexes: Rezoning

Code sections:

Attachments: [Plat](#)
[Planning Dept. Report](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES WHEREAS, the following described lands located in Jonesboro, Craighead County, Arkansas, are currently zoned R-1, residential use classification (the "Property"):

That part of the Northwest Quarter of the Northwest Quarter of Section 10, Township 14 North, Range 4 East, described as follows:

Beginning at the Southeast corner of said tract; thence N89°3 1'53"W along the South line of said tract, 310.00 feet to the true point of the beginning; thence continue N89°3 1'53"W along said South line, 272.37 feet; thence N01°04'38"W, 306.61 feet; thence N89°49'55" W, 407.27 feet; thence N00°39'48"E, 332.67 feet to the North line of the South Half of the Northwest Quarter of the Northwest Quarter of Section 10; thence N89°47'22"E along said North line, 456.75 feet; thence N21 °51'32"E, 117.54 feet to the Centerline of Hudson Drive; thence S64°56' 17"E along said centerline, 156.77 feet; thence along a curve to the left with a radius of 2900.00 feet along said centerline, 98.54 feet; thence S70°49'08"E along said centerline, 4.68 feet; thence S68°44'36"E, 66.42 feet; thence S00°48'36"W, 150.00 feet; thence N89°53'58"W, 110 feet; thence S00°34'29"W, 196.10 feet to the true point of beginning, containing 8.71 acres more or less. Subject to a Road easement along the Northeast side for Hudson Street and any other easements that may affect said lands.

WHEREAS, all applicable laws, rules and regulations have been complied with in presenting this Ordinance to the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that:

SECTION I: Chapter 117, known as the Zoning Ordinance of the City of Jonesboro, Arkansas, is hereby amended so that the Property described herein shall be zoned as RM-12 L.U.O..

SECTION II: The rezoning of this property shall adhere to the following stipulations:

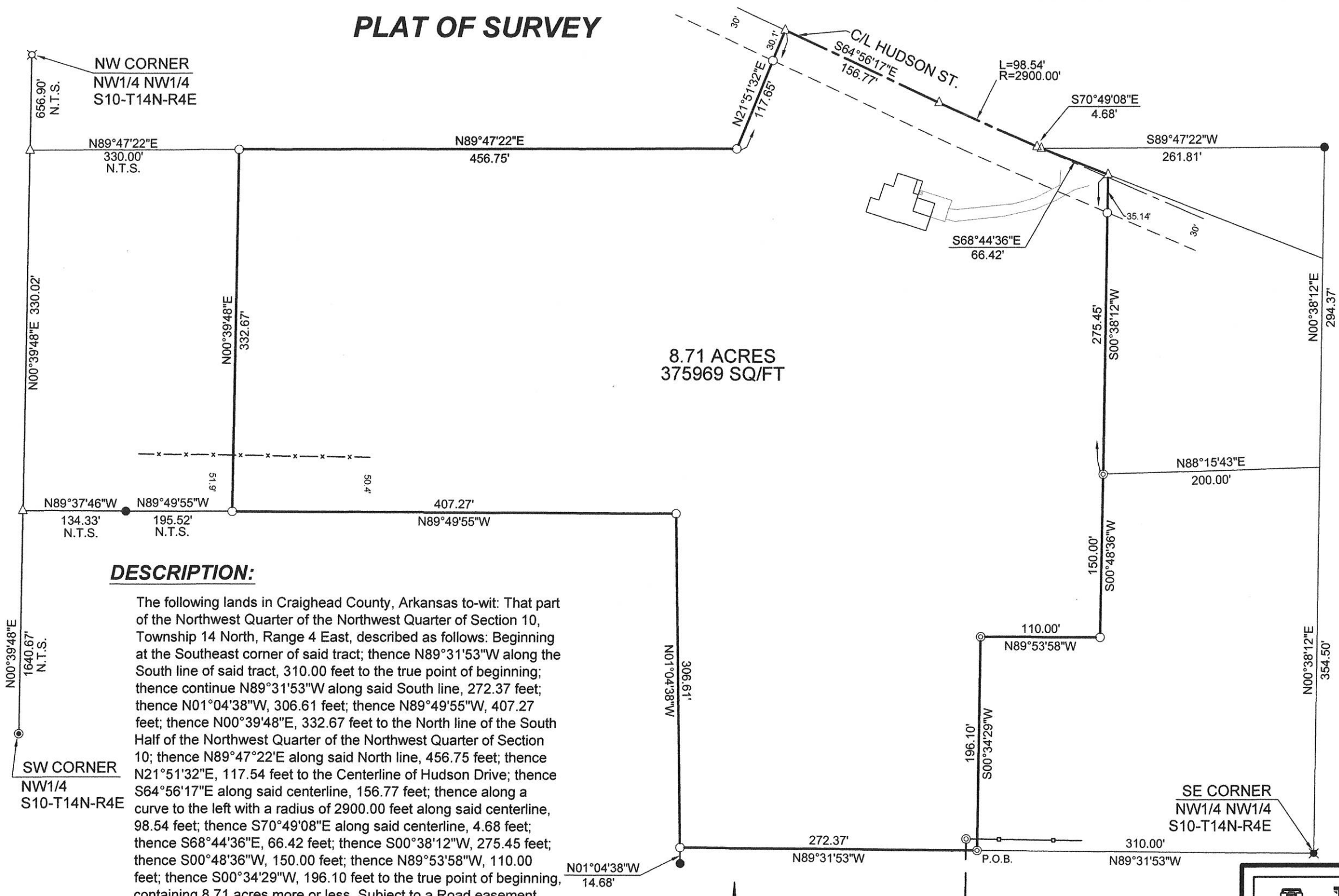
1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. The maximum units shall be 96.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: The City Clerk is hereby directed to amend the official zoning district boundary map of the City of Jonesboro, Arkansas, insofar as it relates to the Property, so that the zoning classification of the Property shall be in accordance with the provisions of this Ordinance.

PLAT OF SURVEY

8.71 ACRES
375969 SQ/FT



DESCRIPTION:

The following lands in Craighead County, Arkansas to-wit: That part of the Northwest Quarter of the Northwest Quarter of Section 10, Township 14 North, Range 4 East, described as follows: Beginning at the Southeast corner of said tract; thence N89°31'53"W along the South line of said tract, 310.00 feet to the true point of beginning; thence continue N89°31'53"W along said South line, 272.37 feet; thence N01°04'38"W, 306.61 feet; thence N89°49'55"W, 407.27 feet; thence N00°39'48"E, 332.67 feet to the North line of the South Half of the Northwest Quarter of the Northwest Quarter of Section 10; thence N89°47'22"E along said North line, 456.75 feet; thence N21°51'32"E, 117.54 feet to the Centerline of Hudson Drive; thence S64°56'17"E along said centerline, 156.77 feet; thence along a curve to the left with a radius of 2900.00 feet along said centerline, 98.54 feet; thence S70°49'08"E along said centerline, 4.68 feet; thence S68°44'36"E, 66.42 feet; thence S00°38'12"W, 275.45 feet; thence S00°48'36"W, 150.00 feet; thence N89°53'58"W, 110.00 feet; thence S00°34'29"W, 196.10 feet to the true point of beginning, containing 8.71 acres more or less. Subject to a Road easement along the Northeast side for Hudson Street and any other easements that may affect said lands.

LEGEND

- FOUND IRON PIN
- ⊙ FOUND STATE MONUMENT
- ⊗ FOUND MAG NAIL
- ⊙ FOUND IRON PIPE
- SET IRON PIN
- △ COMPUTED POINT
- ✱ SET NAIL
- N.T.S. NOT TO SCALE
- P.O.B. POINT OF BEGINNING
- x- WIRE FENCE
- |_| STEEL RAIL FENCE



BEARINGS ARE BASED ON
JONESBORO COORDINATES SYSTEM.

M² Surveying
 Doug Moore, Licensed Surveyor
 741 Greene Co. Rd. 710
 Paragould, Ar. 72450
 Cell: 870-240-3589 VAL Cell: 870-240-6995

CLIENT: Cole Stevenson

| | | | |
|------------------|--------------|---------------|---------------|
| SCALE: 1" = 100' | DRAWN: TDM | CHECKED: VMM | DATE: 10-8-15 |
| JOB#: 15165 | CRD#: 13069b | DWG#: 15165-1 | REV.# |

| REV. | DATE | REVISION | BY |
|------|------|----------|----|
| | | | |

ARKANSAS SURVEYOR'S CODE
500-14N-04E-0-10-440-16-1293

City of Jonesboro City Council
Staff Report – RZ 16-11: 3423 Hudson
Municipal Center - 300 S. Church St.
For Consideration by the Council on July 5, 2016

REQUEST: To consider a rezoning of one tract of land containing 8.29 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 8.29 acres of land located at 3423 Hudson, from “R-1” Single Family Residential District to “RM-12” LUO Residential Multi-family Classification allowing for 12 units per gross acre.

**APPLICANTS/
OWNER:** Robin Caldwell, 3908 Sunset, Jonesboro, AR 72401

LOCATION: 3423 Hudson, Jonesboro, AR 72404

**SITE
DESCRIPTION:** **Tract Size:** Approx. 8.29 Acres
Street Frontage: 156.77 Feet along Hudson Drive
Topography: Undeveloped flat.
Existing Development: Single family house

SURROUNDING CONDITIONS:

| ZONE | LAND USE |
|--------------|--|
| North | R-1 Undeveloped |
| South | C-3 LUO General Commercial District and I-1 Industrial District |
| East | R-1 Single Family Residential Housing |
| West | R-1 Single Family Residential Housing and C-3 General Commercial LUO |

HISTORY: Currently undeveloped.

ZONING ANALYSIS

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP

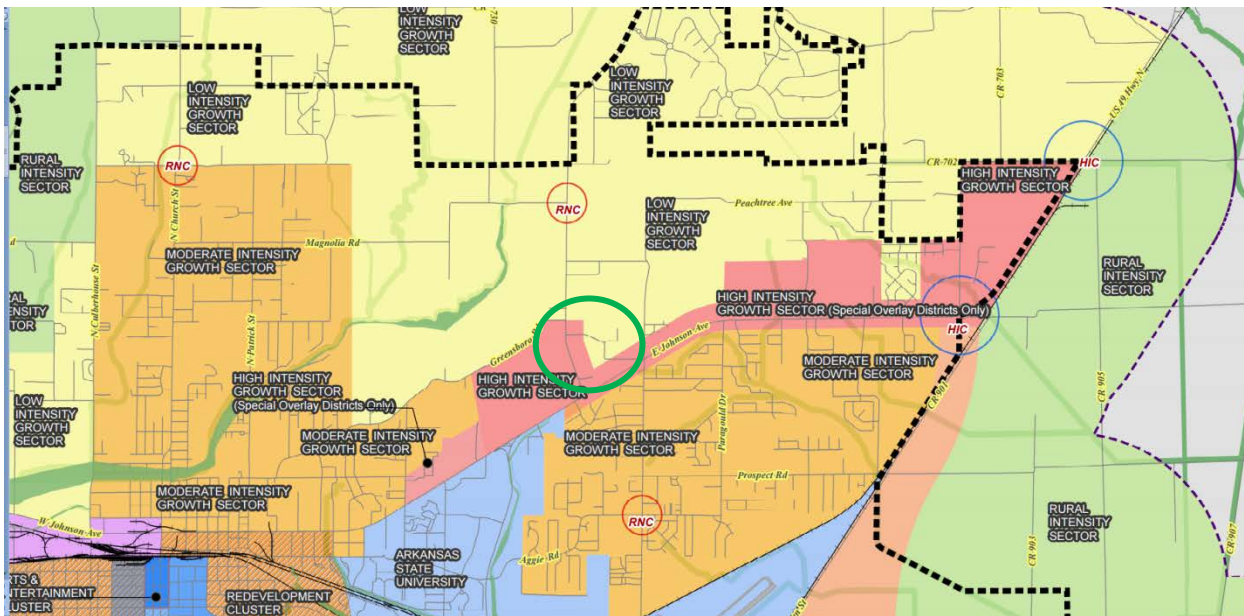
The Current/Future Land Use Map recommends this location as a High Intensity Growth Sector. A wide range of land uses is appropriate in the high intensity zone, from multi-family to fast food to Class A office space to outdoor display/highway oriented businesses such as automotive dealerships, which are located in areas where sewer service is readily available and transportation facilities are equipped to handle the traffic.

High Intensity Growth Recommended Use Types Include:

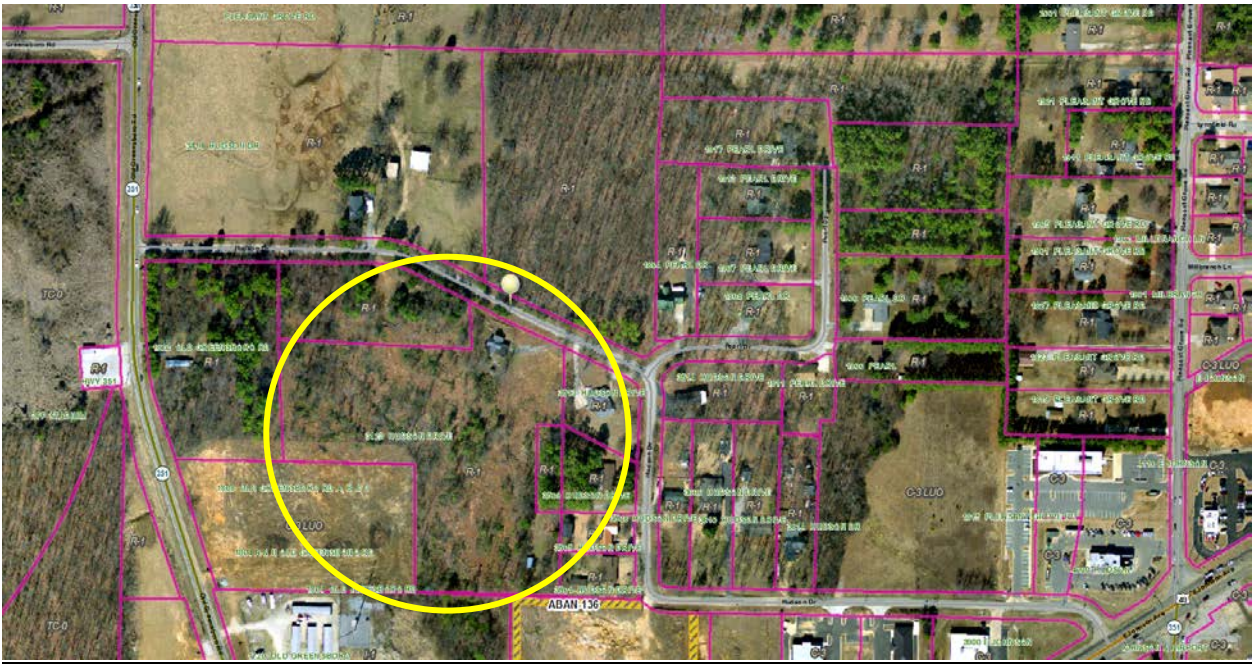
- Regional Shopping Centers
- Automotive Dealerships
- Outdoor Display Retail
- Fast Food Restaurants
- Multi-Family
- Service Stations
- Commercial and Office
- Call Centers
- Research and Development
- Medical
- Banks
- Big Box Commercial
- Hotel

Master Street Plan/Transportation

The subject site is served by Hudson, which on the Master Street Plan is defined as a Local Street; the street right-of-ways must adhere to the Master Street Plan.



Adopted Land Use Map










Aerial/Zoning Map



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 RM-12 rezoning is consistent with the Future Land Use Plan, which was categorized as a High Intensity Growth Sector which recommends up to 14 units per acre on multi-family. |  |
| (b) Consistency of the proposal with the purpose of Chapter 117-Zoning. | The proposal will achieve consistency with the purpose of Chapter 117. |  |
| (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area. | Compatibility is achieved. This area is in redevelopment and transition. Similar use will occur on the Greensboro Village Town Center site. |  |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. | Property is suitable for residential development, if right of way improvements are done, and access management principles are implemented. |  |
| (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. | This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses. |  |
| (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. | Except for the single family house currently on the land, this property has been undeveloped for several years. |  |
| (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 if controls are implemented to screen and buffer any environmentally sensitive surrounding uses. |  |

Staff Findings:

Applicant’s Purpose:

The applicant purchased the property wanting to build multifamily units according to RM-12 zoning guidelines. The land is currently undeveloped since 2005. The applicant feels like he can develop the property while having very little impact on the surrounding area.

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

RM-12 Residential Multifamily Classification. The purpose of this classification is to provide appropriate locations for multifamily residential units. The district allows for all forms of units, duplexes, triplexes, quads, and higher. At twelve units per acre, the applicant could gross 99 units on the subject property maximum. The applicant is requesting approval of 96 upscale multi-family units. The current R-1 District could gross 5.6 homes per acre, resulting in 46 single family homes.

In the application the applicant notes that the proposed rezoning would provide a needed transition from Commercial to Single Family Residential.

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 objections to this rezoning to date. | |
| Streets/Sanitation | No objections to this rezoning to date. | |
| Police | No objections to this rezoning to date. | |
| Fire Department | No objections to this rezoning to date. | |
| MPO | No objections to this rezoning to date. | |
| Jets | No objections to this rezoning to date. | |
| Utility Companies | No objections to this rezoning to date. | |

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested RM-12 Multifamily Residential District. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank:

| Uses | RM-12 | Uses | RM-12 |
|--|-------|-------------------------------------|-------|
| Single Family, Detached | | Golf course | P |
| Single-Family, Attached | P | Government service | P |
| Duplex, triplex, Fourplex | P | Hospital | P |
| Emergency Housing Unit | | Library | P |
| Multifamily | P | Medical Services | C |
| Manufactured Housing Unit | P | Museum | C |
| Manufactured Housing Unit – Residential Design | P | Nursing Home | C |
| Manufactured Housing Park | | Parks and recreation | P |
| Group Residential | P | Post office | |
| Accessory Dwelling Unit | | Recreation/Entertainment, indoor | |
| Airport or airstrip | | Recreation/entertainment, outdoor | |
| Animal care, general | | Safety Services | P |
| Animal care, limited | | School, elementary, middle and high | P |
| Automated Teller Machine | C | Utility Major | C |
| Bed and breakfast | C | Utility Minor | P |
| Cemetery | C | Agriculture, animal | |
| Church | C | Agriculture, crop | |
| College or university | P | Agriculture, product sales | |
| Communication Tower | C | | |
| Convenience Store | C | | |
| Day care, limited(family home) | P | | |
| Day care, general | C | | |

MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 28, 2016

Applicant: Mr. Cole Stevenson requested a rezoning for 3423 Hudson from R-1 Single Family Residential to RM-12 Residential multifamily classification. Mr. Stevenson explained that he wanted to get the property rezoned so it would be easier for someone to develop the property. He went to explain that he was asking for RM-12 multifamily because they felt like that was the residential zoning that would work best with the surrounding commercial zonings.

Staff: Mr. Ron Kelton stated that he had concerns about Hudson road and the intersection of Hudson and 351. Mr. Kelton wanted to know if Mr. Stevenson planned to do any road improvements if this property were rezoned from R-1 to RM-12.

Applicant: Mr. Stevenson said they did not have any plans on doing road improvements but that was only because they did not have a site plan for any project at this time. Mr. Stevenson went on to say that he agreed with Mr. Kelton's statements regarding a need for road improvements in this area.

Staff: Mr. Brant Perkins wanted to know if the applicant planned on securing another access to this property other than Hudson Road.

Applicant: Mr. Stevenson said that his client did not have access to any other access points to their property other than Hudson Road.

Staff: Mr. Otis Spriggs presented the Staff comments directly from the staff summary that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-11, a request to rezone property from "R-1" Single Family Residential District to "RM-12" L.U.O., Multifamily Residential District subject to final site plan approval by the MAPC.

No issues were reported by the various departments. The applicants will have to comply with the list of uses in the conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
5. The maximum units shall be 96.

Public Input: Mr. Rick Chester spoke during the public comment period. He explained that this property was part of a mass annexation into the City of Jonesboro in 1998 and there was no sewer out by that property. He wanted to know where the sewer for this development would come from.

Staff: Mr. Otis Spriggs explained that this information was not available yet because there were no site plans submitted for review. This question would be answered at that point in the process by City, Water, and Light. He went on to say that any rezoning would be subject to a final site plan review.

Mr. Jerry Reece explained that developers would be responsible for paying for getting sewer to their property.

Mr. Jim Scurlock asked Mr. Spriggs a question about lot coverage.

Mr. Spriggs explained to him that it only meant lot coverage. It did not matter if the buildings were 2 or 3 stories high.

Mr. Perkins asked Mr. Spriggs if all of the property was in what the Land Use Map classified as a low-intensity growth sector and or high-intensity growth sector.

Mr. Spriggs explained that the lines on the map were not intended to be hard lines.

Mr. Perkins also pointed out that he was not sure if this area had the infrastructure to support the additional housing units that could be placed on this lot if the committee were to approve the rezoning.

Mr. Kevin Bailey suggested that the applicant needed to do a traffic study to determine how this rezoning would impact traffic in the area.

Applicant: Mr. Stevenson agreed but restated that it would be difficult to do a traffic study at this time since they do not have site plans for any development.

Public Input: Mr. Chester also asked about a secondary entrance for this property

Staff: The board reiterated that the issue would be addressed during the site plan review.

Commission:

Mr. Kelton made a motion to approve the Case: RZ 16-11 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that changing the zoning of this property from “R-1” Single Family Residential District to the proposed “RM-12”, Multifamily Residential District, will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future. Mr. Jim Scurlock seconded the motion.

The motion PASSED with the following (5-3) vote:

Voting Aye: 5 - Mr. Lonnie Roberts; Mr. Ron Kelton; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Rick Stripling

Voting Nay: 2 - Mr. Jerry Reece; Mr. Brant Perkins

Voting Abstain: 1- Mr. Paul Hoelscher

Absent: 1 - Mr. Jimmy Cooper

Conclusion:

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-11, a request to rezone property from “R-1” Single Family Residential District to “RM-12” L.U.O., Multifamily Residential District subject to final site plan approval by the MAPC.

- 6. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
- 7. 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.
- 8. Any change of use shall be subject to Planning Commission approval in the future.
- 9. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.
- 10. The maximum units shall be 96.

Respectfully Submitted for Planning Commission Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

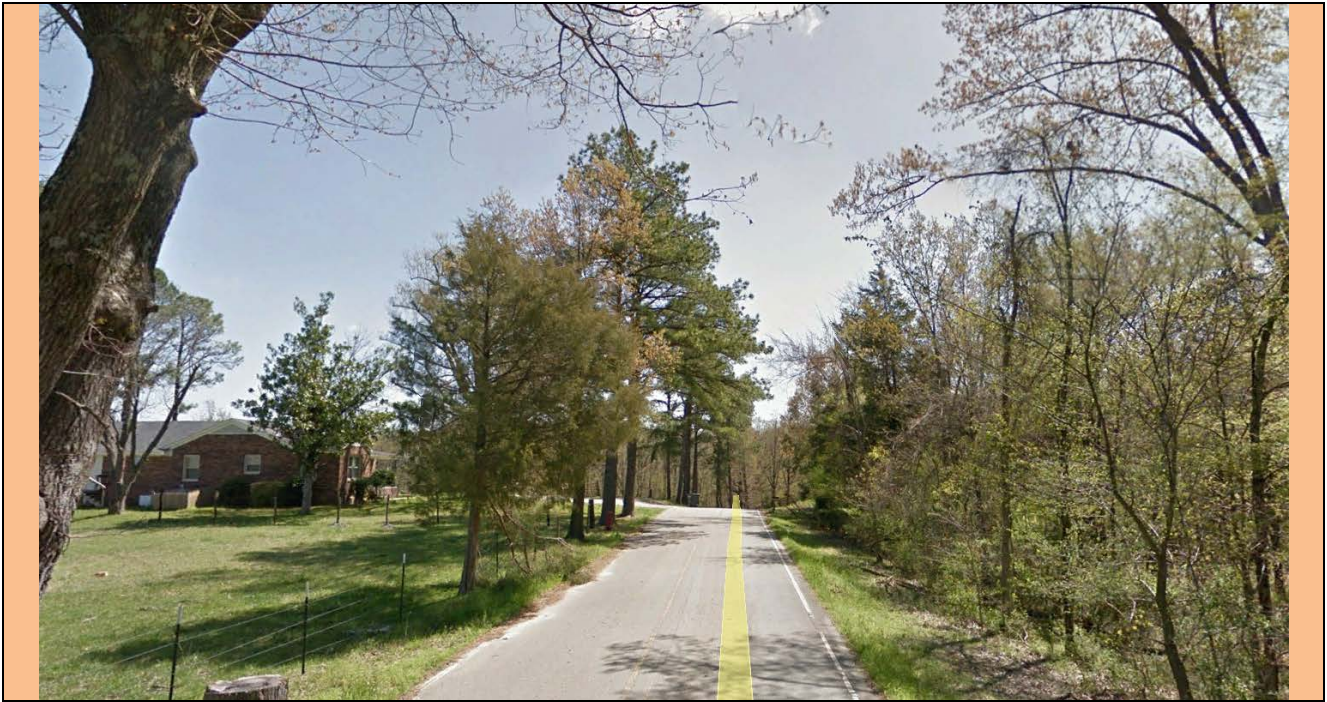
Site Photographs



View looking North



View looking South



View looking East



View looking West



Legislation Details (With Text)

| | | | | | |
|-----------------------|---|----------------------|---|--------------------|------------------------|
| File #: | ORD-16:031 | Version: | 1 | Name: | 1425 E. Johnson Avenue |
| Type: | Ordinance | Status: | | Status: | Third Reading |
| File created: | 6/15/2016 | In control: | | In control: | City Council |
| On agenda: | | Final action: | | | |
| Title: | AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-4 TO C-3 LUO FOR PROPERTY LOCATED AT 1425 E. JOHNSON AVENUE AS REQUESTED BY AYAD TALIB | | | | |
| Sponsors: | | | | | |
| Indexes: | Rezoning | | | | |
| Code sections: | | | | | |
| Attachments: | Plat Planning Dept. Report | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 6/21/2016 | 1 | City Council | | |

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Commercial, C-4
TO: Commercial, C-3 LUO

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

A part of the Northwest Quarter of Section 17, Township 14 North, Range 4 East, Craighead County, Arkansas being more particularly described as follows:

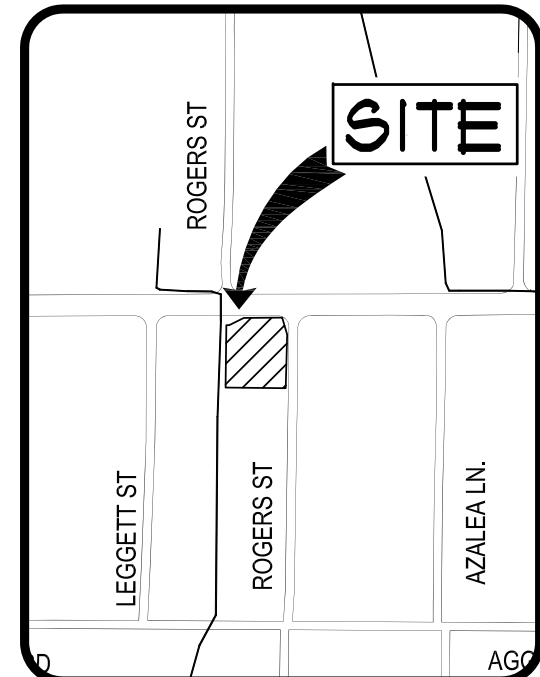
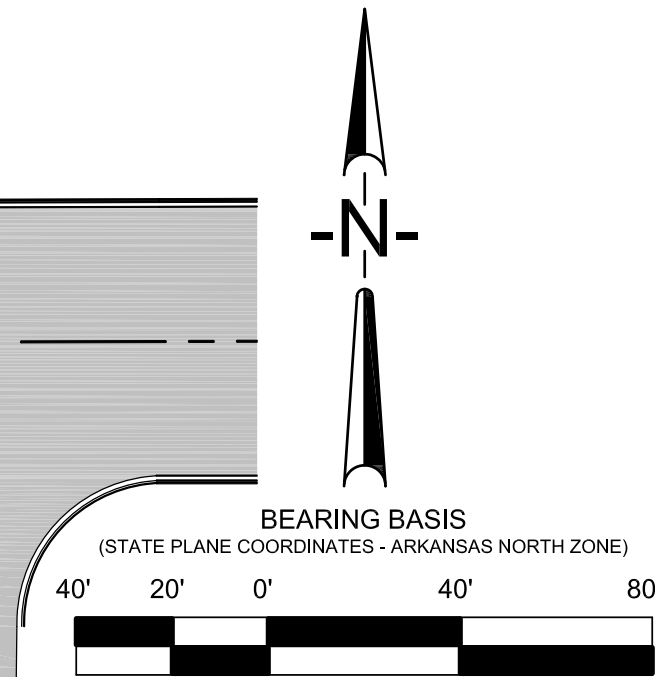
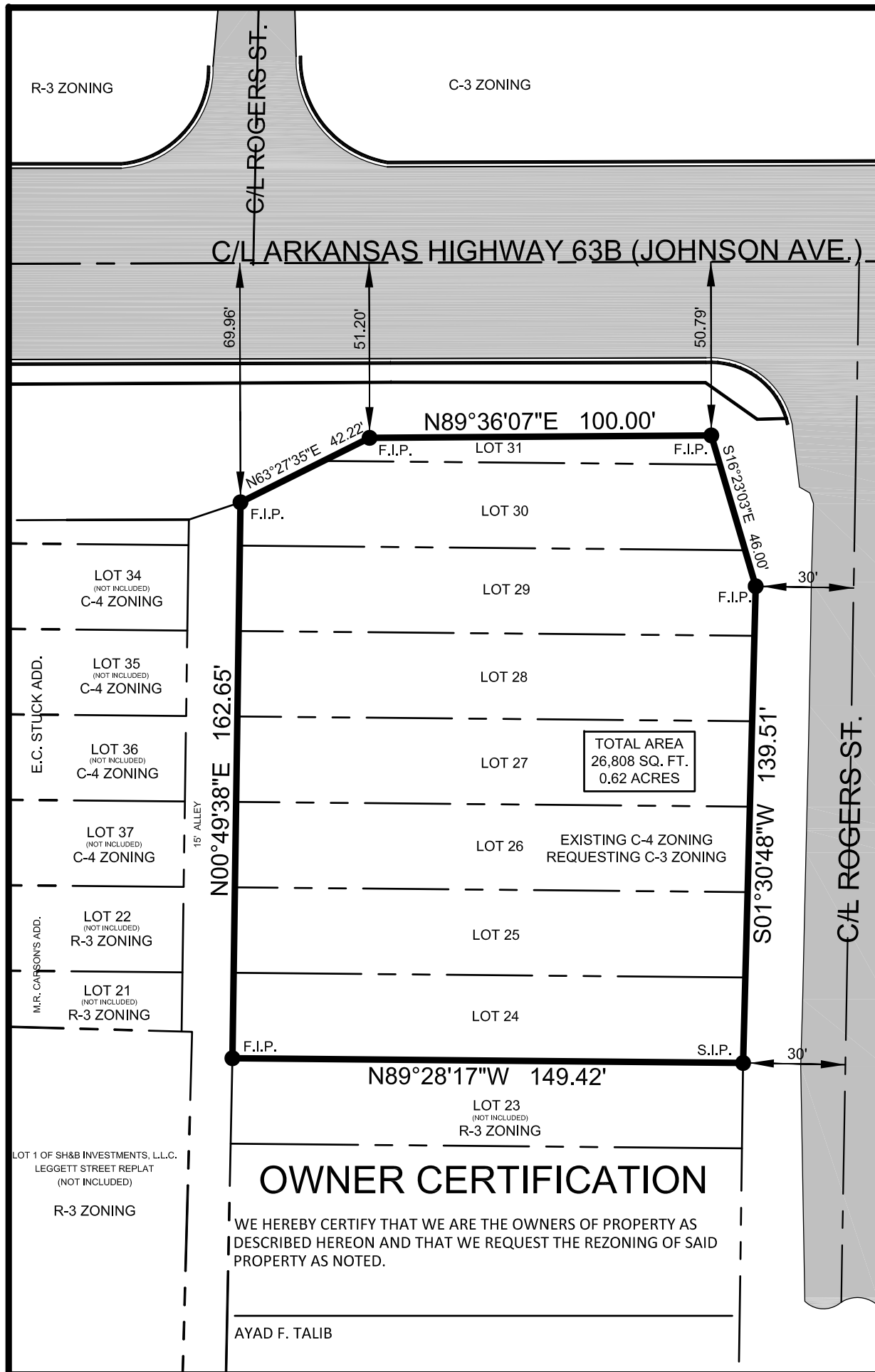
Lots 24, 25, 26, 27, 28 together with a part of Lots 29, 30, and 31 of Block 9 of E.C. Stuck Addition to the City of Jonesboro, AR containing in all 26,808 sq. ft. or 0.62 acres, more or less.

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain regulations regarding any new construction.
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. Any change of use shall be subject to Planning Commission approval in the future.
4. The following C-3 Uses shall be prohibited on the site: Adult Entertainment & Alcohol/Tobacco Retail Sales Establishments.
5. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.



GRAPHIC SCALE
IN FEET

VICINITY SKETCH
NOT TO SCALE

SURVEYOR'S NOTES

- THIS REZONING PLAT WAS PREPARED FOR AYAD F. TALIB LIMITED COMPANY.
- NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
- THE FOLLOWING DOCUMENTS WERE USED TO PREPARE THIS SURVEY:
 - GLO MAP/NOTES FOR T14N R4E, CRAIGHEAD CO., AR.
 - ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT RIGHT-OF-WAY JOB NO. 100417.
 - PLAT OF E.C. STUCK ADDITON TO THE CITY OF JONESBORO, RECORDED IN PLAT BOOK 48, PAGE 88.
 - WARRANTY DEED TO JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY, RECORDED IN DEED BOOK 369, PAGE 431, PUBLIC RECORDS OF CRAIGHEAD COUNTY, AT JONESBORO, ARKANSAS.

LEGEND

- = BOUNDARY LINE
- = ADJACENT LOT LINE
- = EASEMENT LINE
- F.I.P. = FOUND IRON PIPE
- S.I.P. = SET 1 1/4" IRON PIPE

DESCRIPTION

LOTS 24, 25, 26, 27 AND 28 TOGETHER WITH A PART OF LOTS 29, 30, AND 31 OF BLOCK 9 OF E.C. STUCK ADDITON TO THE CITY OF JONESBORO, ARKANSAS.

CONTAINING IN ALL 26,808 SQ. FT. OR 0.62 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY-OF RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS OTHER THAN AS SHOWN OR STATED HEREON AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE "ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS AND PLATS" IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 03/15/2016

© Copyright 2016 BMLS-INC

OWNER CERTIFICATION

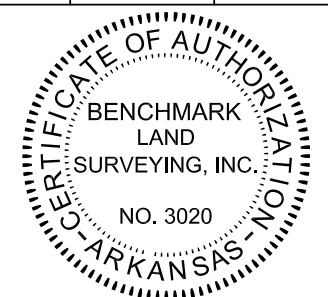
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF PROPERTY AS DESCRIBED HEREON AND THAT WE REQUEST THE REZONING OF SAID PROPERTY AS NOTED.

AYAD F. TALIB

REZONING PLAT

AYAD F. TALIB
PART OF E.C. STUCK ADDITON

BENCHMARK LAND SURVEYING, INC.
LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES
2500 ALEXANDER DR., SUITE A
P.O. BOX 1921 - JONESBORO, AR 72403
FAX: 870-336-2060 PH: 870-336-2059



BENCHMARK LAND SURVEYING, INC.
ARKANSAS C.O.A.#3020



KEVIN L. SCRAPE
ARKANSAS PS#1637

| DATE: | BY: | DESCRIPTION: |
|----------------------|---------------|---------------------|
| 04/26/16 | KS | REVISE OWNER'S NAME |
| | | |
| | | |
| | | |
| CADD FILE: 16117-001 | SCALE: 1"=40' | |
| DATE: 03/15/16 | SHEET | |
| DWG#: 0414174-0043 | 1 OF 1 | |

City of Jonesboro City Council
Staff Report – RZ 16-08: 1425 E. Johnson Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on June 21, 2016

REQUEST: To consider a rezoning of one tract of land containing .73 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of .73 acres of land located at 1425 E. Johnson, from C-4 to C-3 L.U.O. - General Commercial District Limited Use Overlay.

**APPLICANTS/
OWNER:** Ayad F. Talih, 805 E. Nettleton Ave., Jonesboro, AR

LOCATION: 1425 E. Johnson Ave, Jonesboro, AR 72404

**SITE
DESCRIPTION:** Tract Size: Approx. 0.73 Acres
Street Frontage: 160.0 feet along E. Johnson Ave./200 feet along N. Rogers St.
Topography: Undeveloped flat.
Existing Development: Undeveloped

SURROUNDING CONDITIONS:

| ZONE | LAND USE |
|-------|------------------------------------|
| North | C-3 and C-3 LUO – Both Undeveloped |
| South | R-3 Multi-Family Housing |
| East | C-4 Commercial Building |
| West | C-4 Commercial Building |

HISTORY: Currently undeveloped. There were previously multifamily housing units on this property.

ZONING ANALYSIS

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

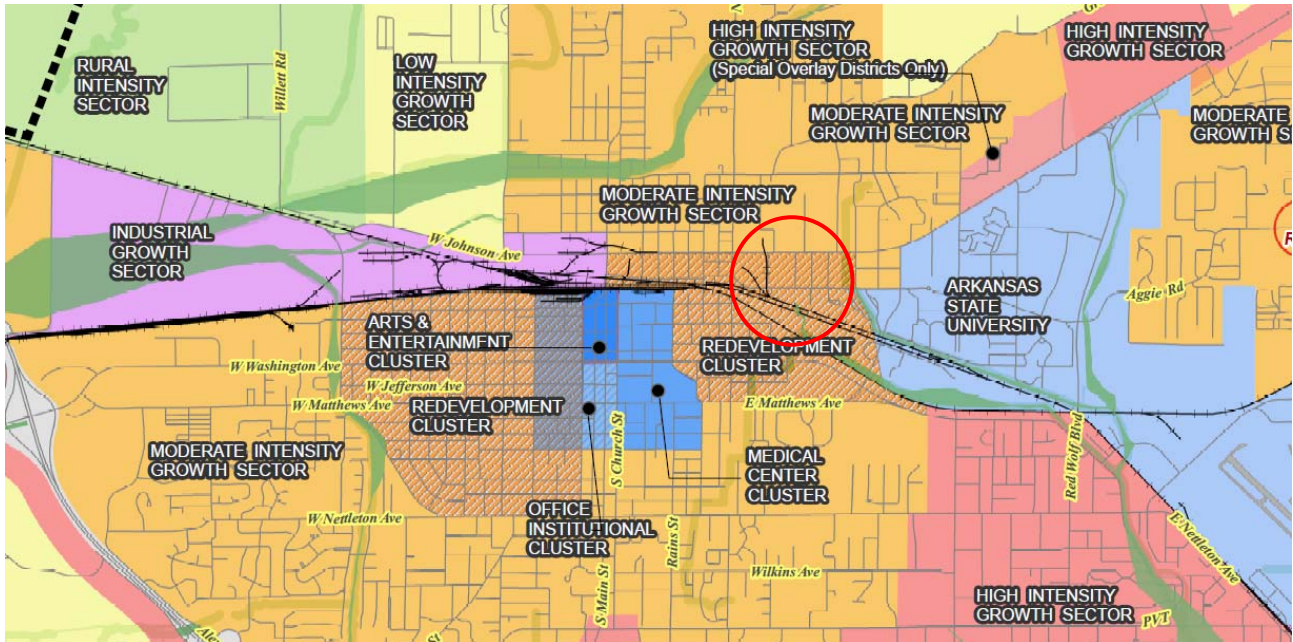
COMPREHENSIVE PLAN LAND USE MAP

The Current/Future Land Use Map recommends this location as a Redevelopment Cluster. The proposed rezoning is consistent with the adopted Land Use Plan for the existing and proposed use if proper controls are implemented.

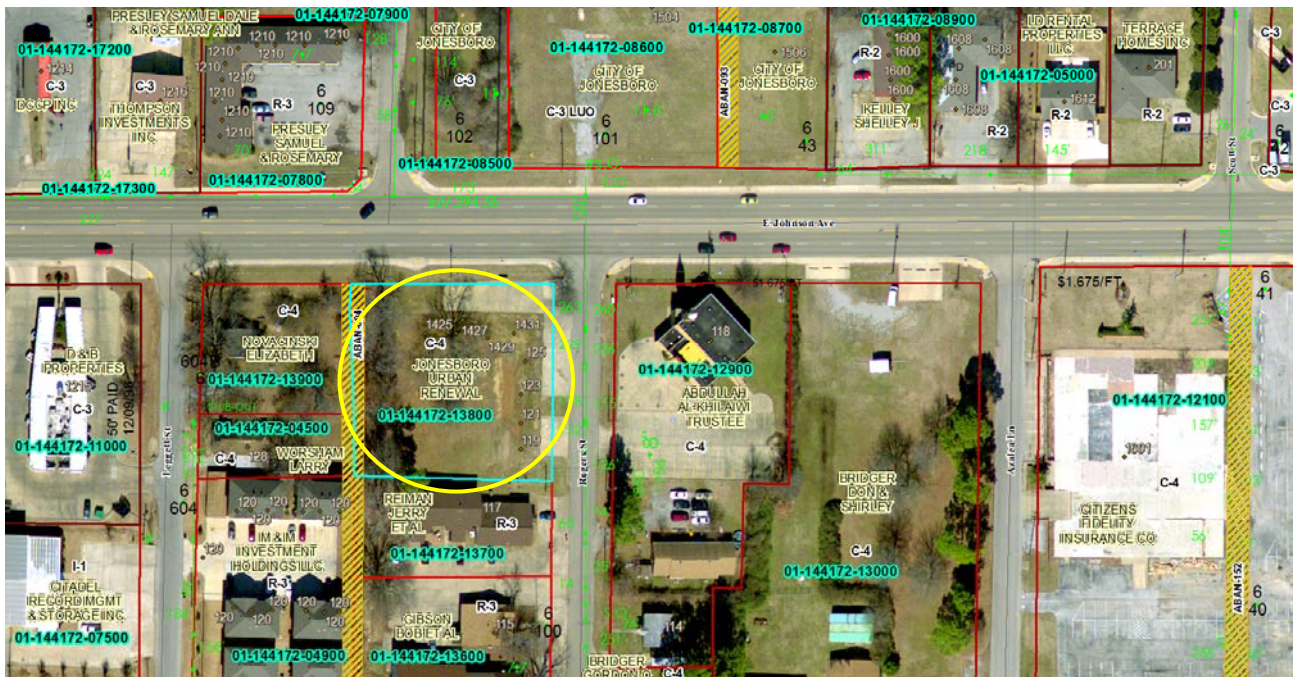
Redevelopment Cluster Recommended Use Types Include: Offices, Services, Government Facilities, and Housing

Master Street Plan/Transportation

The subject site is served by E. Johnson Ave., which is the Master Street Plan recommended as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment. The recommended right-of-way is 120 ft., the submitted plat illustrates 50.79 ft. – 69.96 ft. Any replat should satisfy the minimum requirements.










Adopted Land Use Map



Aerial/Zoning Map

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 LU-O District rezoning is consistent with the Future Land Use Plan, which was categorized as Redevelopment Cluster. |  |
| (b) Consistency of the proposal with the purpose of Chapter 117-Zoning. | The proposal will achieve consistency with the purpose of Chapter 117, if property storage and screening is implemented. |  |
| (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area. | Compatibility is achieved. |  |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. | Property is not suitable for single family residential along Johnson Avenue. Commercial is the highest and best use. |  |
| (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. | This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses. |  |
| (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. | The property had apartment units previously on it. It has been vacant for a while now. |  |
| (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 due to the fact that business currently exist with only minor upgrades. |  |

Staff Findings:

Applicant’s Purpose:

The applicants have recently purchased the property wishing to develop the land within C-3 guidelines with the use of a LUO. Property is on Johnson where several other C-3 LUO, C-4, and R-3 lots are located. Staff recommends approval of this case based upon any redevelopment of the subject properties being subject to MAPC review and approval of a final site plan.

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

C-3 L.U.O, general commercial district limited use overlay. The purpose of this district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial streets. Development of grouping of facilities shall be encouraged, as opposed to less desirable strip commercial.

In reviewing the basis for this case, Staff consulted with the applicant to explain that General Commercial Districts typically limited outdoor storage and industrial activities and may require certain screening/buffering to assure compatibility with areas abutting residential property.

An alleyway that lies west of the subject property was abandoned as follows:

ORD-76:2216 Alley abandonment was passed and adopted on April 19th, 1976. A petition was filed with the city council and vacated and abandoned as described as 15 feet running North and South, between Lots, 7 thru 25 and Lots 26 thru 44 in Block 1 of the M.R. Carson Addition to the City of Jonesboro, Arkansas.

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 objections to this rezoning to date. | |
| Streets/Sanitation | No objections to this rezoning to date. | |
| Police | No objections to this rezoning to date. | |
| Fire Department | No objections to this rezoning to date. | |
| MPO | No objections to this rezoning to date. | |
| Jets | No objections to this rezoning to date. | |
| Utility Companies | No objections to this rezoning to date. | |

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested C-3, L.U.O. General District. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank:

| Uses | C-3 | Uses | C-3 |
|-----------------------------------|-----|---------------------------------------|-----|
| Manufactured housing unit | | Utility, major | C |
| Airport or airstrip | | Utility, minor | P |
| Animal care, general | P | Vehicle and equipment sales | P |
| Auditorium or stadium | C | Vehicle repair, general | P |
| Automated teller machine | P | Vehicle repair, limited | P |
| Bank or financial institution | P | Vocational school | P |
| Carwash | P | Warehouse, residential (mini) storage | C |
| Cemetery | P | Vehicular and equipment storage yard | |
| Church | P | Asphalt or concrete plant | |
| College or university | P | Auto wrecking or salvage yard | |
| Communication tower | C | Basic industry | |
| Construction sales and service | | Freight terminal | C |
| Convenience store | P | Landfill (private) | |
| Day care, limited (family home) | P | Manufacturing, general | |
| Day care, general | P | Manufacturing, limited | |
| Entertainment, adult | C | Mining or quarrying | |
| Government service | P | Oil and gas drilling | |
| Indoor firing range | | Research services | C |
| Library | P | Solid waste incinerator | |
| Medical service/office | P | Warehousing | |
| Museum | P | Welding or machine shop | |
| Office, general | P | Agriculture, animal | C |
| Parking lot, commercial | P | Agriculture, crop | |
| Parks and recreation | P | Agriculture, farmers market | P |
| Pawn shops | P | Agriculture, product sales | |
| Post office | P | Sign, off-premises* | P |
| Recreation/entertainment, indoor | P | Retail/service | P |
| Recreation/entertainment, outdoor | P | Safety services | P |
| Recreational vehicle park | P | School, elementary, middle and high | P |
| Restaurant, fast-food | P | Service station | P |
| Restaurant, general | P | Sign, off-premises* | P |

MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 14, 2016

Applicant: Mr. Travis Fischer, Trayan Engineering appeared before the Commission requesting the property to be rezoned to C-3 LUO.

Staff:

Mr. Spriggs gave staff summary comments. The 0.73 acres of property previously had apartments owned by JURHA, that were demolished. The Land Use Plan recommendation is consistent as a Redevelopment Cluster. A Right-of-Way of 69.96 ft. is provided. The requirements for the Master Street Plan must be adhered to. The abandonment of an alley to the west occurred in the past under ORD-76:2216, passed and adopted on April 19th, 1976. A petition was filed with the city council and vacated and abandoned as described as 15 feet running North and South, between Lots, 7 thru 25 and Lots 26 thru 44 in Block 1 of the M.R. Carson Addition to the City of Jonesboro, Arkansas. No

issues were reported by the various departments during the pre-meeting. The applicants will have to comply with the C-3 General Commercial standards. There is an exclusion list of uses in the conditions.

The Conditions were read:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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. Any change of use shall be subject to Planning Commission approval in the future.
4. The following C-3 Uses shall be prohibited on this site: Adult Entertainment & Alcohol/Tobacco Retail Sales Establishments.
5. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering etc. shall be submitted to the MAPC prior to any redevelopment. New screening outdoor storage and dumpster enclosure requirements shall be implemented if stipulated by the MAPC.

Public Input: None.

Commission:

Mr. Hoelscher asked if convenience store would be allowed. Mr. Spriggs concurred that anything allowed under the C-3 except for the noted prohibited uses.

Mr. Cooper made a motion to approve Case: RZ 16-08 on the floor for recommendation by MAPC to the City Council with the noted 5 stipulations, and we, the MAPC find that changing the zoning of this property from "C-4" Commercial District to the proposed C-3, L.U.O., will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future.

The motion PASSED with the following (8-0) vote.

Voting Aye: 8 - Mr. Ron Kelton; Mr. Hoelscher; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Jimmy Cooper; Mr. Reece; Mr. Perkins and Rick Stripling. Lonnie Roberts was Chair.

Conclusion:

The MAPC & Planning Department Staff find that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-08, a request to rezone property from C-4 General Commercial District to C-3 L.U.O. - General Commercial District, Limited Use Overlay.

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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.
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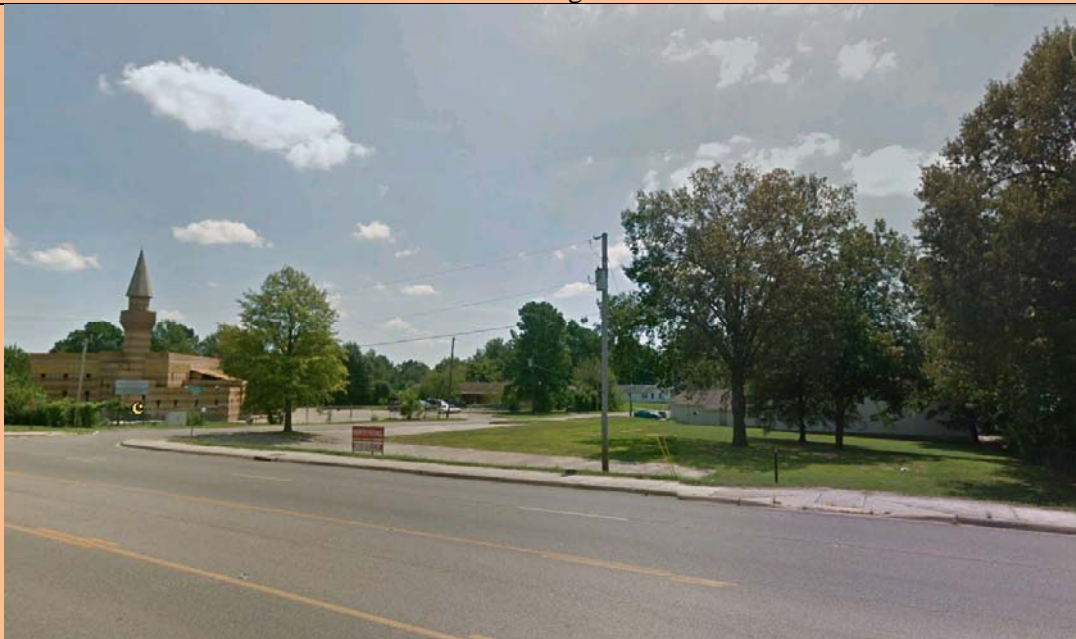
Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director



View looking North



View looking south at Site



View looking East



View looking West



Legislation Details (With Text)

File #: ORD-16:033 **Version:** 1 **Name:** Rezoning at 6106 Southwest Drive
Type: Ordinance **Status:** Third Reading
File created: 6/15/2016 **In control:** City Council
On agenda: **Final action:**

Title: AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RS-1 TO I-1 FOR PROPERTY LOCATED AT 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN

Sponsors:

Indexes: Rezoning

Code sections:

Attachments: [Plat](#)
[Planning Dept. Report](#)

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 6/21/2016 | 1 | City Council | | |

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES WHEREAS, Paulette Quinn is the owner of the following real estate in Jonesboro, Craighead County, Arkansas:

A PART OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST QUARTER OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, THENCE SOUTH 00°15'54" WEST, ALONG THE EAST LINE OF SAID LOT 1, 267.12 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 00°15'54" WEST, ALONG SAID EAST LINE, 2330.61 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°28'06" WEST, ALONG SAID SOUTH LINE, 247.95 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°15'54" EAST, ALONG SAID WEST LINE 2332.12 FEET; THENCE SOUTH 89°07'04" EAST, LEAVING SAID WEST LINE, 247.96 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 13.27 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

The "Airstrip Property."

WHEREAS, the Airstrip Property is located within certain real estate that was annexed into Jonesboro in 2008, the legal description of which is more particularly set forth in Ordinance No. 08-045 (the "Annexed Property").

WHEREAS, the current zoning classification for the Annexed Property is RS-1, with the following nonconforming uses:

- A. Airstrip used in connection with a certain crop-dusting (agri-chemical application) business located upon adjoining property within the City of Jonesboro, Arkansas, and currently zoned I-1; and

B. Agriculture, crops.

WHEREAS, the owner of the Airstrip Property has requested that the Airstrip Property be zoned I-1; and

WHEREAS, it appears to the City Council that all applicable laws of the State of Arkansas and of the City of Jonesboro have been complied with in presenting this ordinance to the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that:

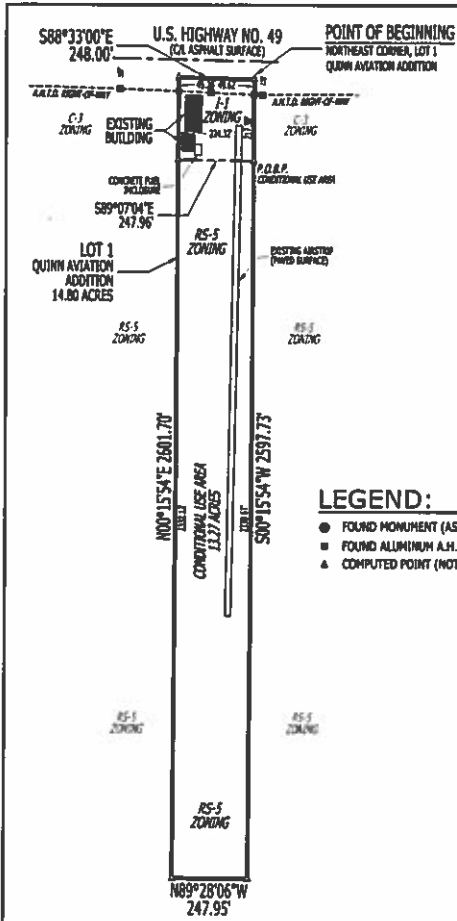
SECTION I: Chapter 117, known as the Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Title 14 of the Jonesboro Municipal Code, should be, and it hereby is amended so that the Airstrip Property is zoned from RS-1 (Non-conforming use) to I-1, L.U.O. (Industrial District - Limited Use Overlay).

SECTION II: The rezoning of the Airstrip Property shall be subject to the following stipulations, running with the land:

- A. Use of the Airstrip Property is limited to that of an airstrip used in connection with a certain crop-dusting (agri-chemical application) business located upon adjoining property within the City of Jonesboro, Arkansas, and currently zoned I-1. No other Industrial use shall be permitted.
- B. Upon the issuance of a building permit for the construction of residential housing on any portion of the Annexed Property, the I-1, L.U.O. designation shall expire and the Airstrip Property shall automatically revert back to the RS-1 district classification without further action of the City Council. The City Clerk shall be authorized to amend the official zoning district boundary map upon proof of the building permit being issued.
- C. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
- D. 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.
- E. Any change of use shall be subject to Planning Commission approval in the future.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: The City Clerk is hereby directed to amend the official zoning district boundary map of the City of Jonesboro, Arkansas, insofar as it relates to the lands described hereinabove so that the zoning classification of said lands shall be in accordance with the provisions of this Ordinance.



LEGEND:

- FOUND MONUMENT (AS NOTED)
- ▲ FOUND ALUMINUM A.H.T.D. MONUMENT
- ▲ COMPUTED POINT (NOT MONUMENTED)

SURVEYOR'S NOTES:

1. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
2. THE FOLLOWING DOCUMENTS WERE USED TO COMPLETE THIS SURVEY:
 - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK H, PAGE 32, DATED SEPTEMBER 26, 1963.
 - RECORD PLAT, QUINN AVIATION ADDITION, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK B, PAGE 79, DATED SEPTEMBER 27, 1991.
 - PLAT OF SURVEY, BY JASON H. BRANCH, P.S. 1596, SLS NO. 200807090024, DATED APRIL 16, 2008.
 - RIGHT-OF-WAY PLANS, A.H.T.D. JOB NO. 100611, DATED APRIL 15, 2013.
3. THE SUBJECT PROPERTY LIES OUTSIDE THE 100 YEAR SPECIAL FLOOD HAZARD ZONE, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP: PANEL NO. 65031C0150C, DATED SEPTEMBER 27, 1991.
4. SUBJECT PROPERTY IS I-1, LIMITED INDUSTRIAL DISTRICT AND RS-5, SINGLE-FAMILY RESIDENTIAL DISTRICT.
5. ZONING REQUIREMENTS:
 - I-1 ZONING:
 - STREET SETBACK - 25'
 - SIDE SETBACK - 10'
 - REAR SETBACK - 20'
 - RS-5 ZONING:
 - STREET SETBACK - 25'
 - SIDE SETBACK - 7.5'
 - REAR SETBACK - 20'
6. FIELD WORK WAS COMPLETED ON DECEMBER 04, 2015.

DESCRIPTION: (CONDITIONAL USE AREA)

A PART OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST QUARTER OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°15'54" WEST, ALONG THE EAST LINE OF SAID LOT 1, 267.12 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 00°15'54" WEST, ALONG SAID EAST LINE, 2330.61 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°28'06" WEST, ALONG SAID SOUTH LINE, 247.95 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°15'54" EAST, ALONG SAID WEST LINE, 2332.12 FEET; THENCE SOUTH 89°07'04" EAST, LEAVING SAID WEST LINE, 247.96 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 13.27 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



RIDGE SURVEYING & CONSULTING, PLLC.

211 South Church St., Jonesboro, AR 72401 870-263-4940

CONDITIONAL USE SURVEY

CLIENT: KEVIN CARPENTER
PART OF LOT 1, QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS



DRAWING INFO

| | | |
|----------------------|------------------|---------------|
| DRAWN BY: JBM | JOB NO.: 15217 | SHEET: 1 OF 2 |
| DATE: 12 / 14 / 2015 | SCALE: 1" = 300' | |
| REVISIONS | | |
| | | |
| | | |

500-16N-06E-0-06-440-28-1709

City of Jonesboro Council
Staff Report – RZ 16-09: 6106 Southwest Drive
Municipal Center - 300 S. Church St.
For Consideration by the Commission on June 21, 2016

REQUEST: To consider a rezoning of one tract of land containing 13.27 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 13.27 acres of land located at 6106 Southwest Drive, from RS-1 LUO to I-1 Industrial District.

**APPLICANTS/
OWNER:** Paulette Quinn and Robert J. Gibson, P.O. Box 1700, Jonesboro, AR

LOCATION: 6106 Southwest Drive, Jonesboro, AR 72401

**SITE
DESCRIPTION:** **Tract Size:** Approx. 13.27 Acres
Street Frontage: 248 feet along Southwest Drive
Topography: Undeveloped flat.
Existing Development: Undeveloped

SURROUNDING CONDITIONS:

| ZONE | LAND USE |
|--------------|---|
| North | R-1 Single Family, C-3 General Commercial, and I-1 Industrial |
| South | Undeveloped farm land in Craighead County |
| East | Undeveloped farm land in Craighead County |
| West | Single Family Housing in Craighead County |

HISTORY: Currently undeveloped.

ZONING ANALYSIS

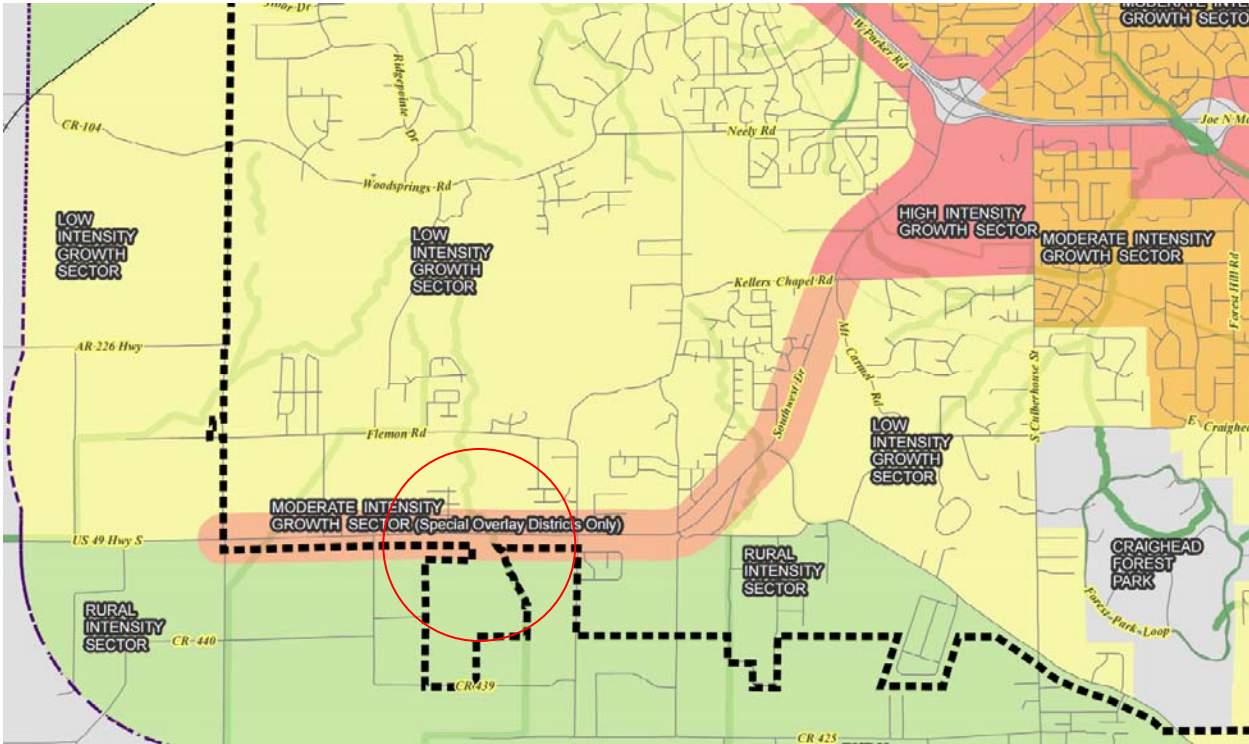
City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP

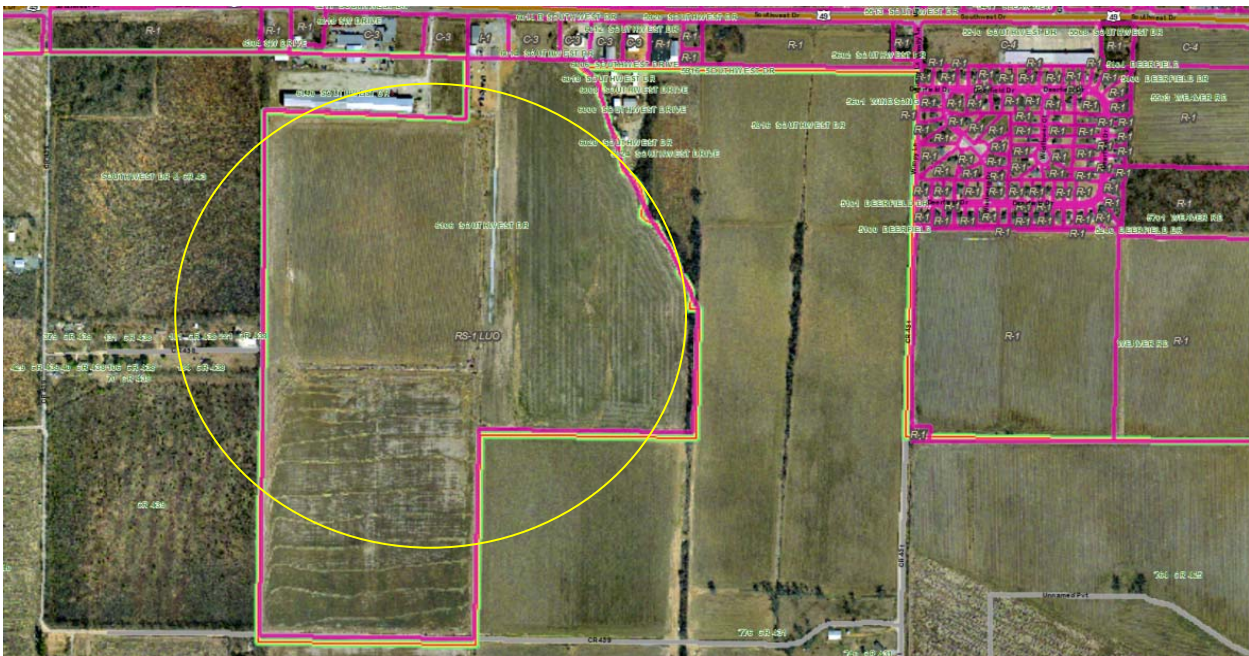
The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only), with a combination of rural growth section on the southern half of the site.

Master Street Plan/Transportation

The subject site is served by Hwy. 49, which on the Master Street Plan is defined as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment. The recommended right-of-way is 120 feet. Any replat should satisfy the minimum requirement.










Adopted Land Use Map



Aerial/Zoning Map

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 Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only), with a combination of rural growth section on the southern half of the site. Partial consistency is achieved. Full will occur after airstrip expires. |  |
| (b) Consistency of the proposal with the purpose of Chapter 117-Zoning. | The proposal will achieve consistency with the purpose of Chapter 117, once the single family use is implemented. |  |
| (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area. | Compatibility is achieved. This area already has several commercial developments along Southwest Drive. Including agricultural crop forming. |  |
| (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. | Property has continued to be used as an airstrip. |  |
| (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. | This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses of future residential and the airstrip were discounted. |  |
| (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. |  |
| (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 due to the fact that business currently exist with only minor upgrades. No immediate changes are inevitable |  |

MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 14, 2016

Applicant:

Attorney Robert Gibson, Jr. appeared before the Commission explaining the basis of the case.

Public Input: None Present.

Staff:

Mr. Otis Spriggs gave Staff comments as follows:

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only) and Rural Intensity Sector in the Rear. The site is partially consistent. The airport landing strip was deemed non-conforming with an expiring term. This parcel was part of a larger annexation in 2008. The purpose of the annexation was to develop residential property to the south, which would have resulted in relocation or terminator of the airstrip. Residential development has not occurred and the proper zoning for the airstrip is I-1. The property is currently zoned as RS-1 but recognizing a preexisting non-conforming use as it is defined in the chapter 117 of the Jonesboro municipal code. The airstrip is used for (agri-chemical application). The location of the business is upon adjoining property within the city of Jonesboro, Arkansas and currently zoned as I-1. Chapter 117 of the Jonesboro municipal code intends to apply to the non-conforming uses described above. The property above is due to expire August 19th, 2018 as conditioned in the ordinance ORD-08:045. In order to renew the permit to use the airstrip there should be an agreement that if the property were developed as residential, the airstrip will automatically be expired, and reverted back to residential.

Motion to approve was made by Mr. Kelton, seconded by Mr. Scurlock with the following conditions were read:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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. Any change of use shall be subject to Planning Commission approval in the future.
4. The owner agrees that if and when the property were developed as residential RS-1, the airstrip will automatically be expired, and the subject I-1 property will automatically be reverted back to residential RS-1.

The motion PASSED with the following (8-0) vote.

Voting Aye: 8 - Mr. Ron Kelton; Mr. Hoelscher; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Jimmy Cooper; Mr. Reece; Mr. Perkins and Rick Stripling. Lonnie Roberts was Chair.

Staff Findings:

Applicant’s Purpose:

This parcel was part of a larger annexation in 2008. The purpose of the annexation was to develop residential property to the south, which would have resulted in relocation or terminator of the airstrip. Residential development has not occurred and the proper zoning for the airstrip is I-1.

The property is currently zoned as RS-1 but recognizing a preexisting non-conforming use as it is defined in the chapter 117 of the Jonesboro municipal code. The airstrip is used for (agri-chemical application). The location of the business is upon adjoining property within the city of Jonesboro, Arkansas and currently zoned as I-1. Chapter 117 of the Jonesboro municipal code intends to apply to the non-conforming uses described above. The property above is due to expire August 19th, 2018 as conditioned in the ordinance ORD-08:045. In order to renew the approval to use the airstrip there should be an agreement that if the property were developed as residential, the airstrip will automatically be expired, and reverted back to residential.

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

I-1, Limited Industrial District. This district is to accommodate freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted. Suitable transportation facilities are a necessity to this district.

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 objections to this rezoning to date. | |
| Streets/Sanitation | No objections to this rezoning to date. | |
| Police | No objections to this rezoning to date. | |
| Fire Department | No objections to this rezoning to date. | |
| MPO | No objections to this rezoning to date. | |
| Jets | No objections to this rezoning to date. | |
| Utility Companies | No objections to this rezoning to date. | |

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested C-3, L.U.O. General District. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank:

| Uses | I-1 | Uses | I-1 |
|-----------------------------------|-----|---------------------------------------|-----|
| Manufactured housing unit | C | Utility, major | C |
| Airport or airstrip | C | Utility, minor | P |
| Animal care, general | C | Vehicle and equipment sales | P |
| Auditorium or stadium | C | Vehicle repair, general | P |
| Automated teller machine | P | Vehicle repair, limited | P |
| Bank or financial institution | P | Vocational school | P |
| Carwash | P | Warehouse, residential (mini) storage | P |
| Cemetery | P | Vehicular and equipment storage yard | P |
| Church | P | Asphalt or concrete plant | C |
| College or university | P | Auto wrecking or salvage yard | C |
| Communication tower | P | Basic industry | C |
| Construction sales and service | P | Freight terminal | P |
| Convenience store | C | Landfill (private) | |
| Day care, limited (family home) | C | Manufacturing, general | P |
| Day care, general | C | Manufacturing, limited | P |
| Entertainment, adult | C | Mining or quarrying | C |
| Government service | P | Oil and gas drilling | |
| Indoor firing range | C | Research services | P |
| Library | P | Solid waste incinerator | C |
| Medical service/office | P | Warehousing | P |
| Museum | C | Welding or machine shop | P |
| Office, general | C | Agriculture, animal | C |
| Parking lot, commercial | C | Agriculture, crop | C |
| Parks and recreation | C | Agriculture, farmers market | P |
| Pawn shops | C | Agriculture, product sales | C |
| Post office | C | Sign, off-premises* | P |
| Recreation/entertainment, indoor | C | Retail/service | P |
| Recreation/entertainment, outdoor | C | Safety services | P |
| Recreational vehicle park | P | School, elementary, middle and high | P |
| Restaurant, fast-food | P | Service station | P |
| Restaurant, general | P | Sign, off-premises* | P |

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-09, a request to rezone property from “RS-1 LUO” to “I-1”, subject to final site plan approval by the MAPC and the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
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. Any change of use shall be subject to Planning Commission approval in the future.
4. The owner agrees that if and when the property were developed as residential RS-1, the airstrip will automatically be expired, and the subject I-1 property will automatically be reverted back to residential RS-1.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking south toward property site



View looking North East



View looking at property west of the site



View looking West



View Looking west on Hwy. 49 S.



View Looking East On Hwy. 49 S.