



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, July 17, 2012

6:30 PM

Huntington Building

PUBLIC HEARING AT 6:00 P.M.

Regarding the abandonment of a portion of McClure Street right-of-way as requested by Best Conveyors

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 6:15 P.M.

City Council Chambers, Huntington Building

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

[COM-12:048](#) Housing and Crime Presentation by Basia Combs as recommended by the Public Safety Committee

Sponsors: 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-12:056](#) Minutes for the City Council meeting on July 2, 2012

Attachments: [Minutes](#)

[RES-12:102](#) A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WOLF CREEK PLACE, A COMMERCIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

Legislative History

7/2/12	Public Works Council Committee	Recommended to Council
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RES-12:104 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR MERRELL ESTATES PHASE II, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

Legislative History

7/2/12 Public Works Council Recommended to Council
Committee

6. NEW BUSINESS

COM-12:050 Request by James & Ina Gossett to set an appeal hearing regarding the denial by the MAPC to rezone property located at 4306 & 4310 Aggie Road from R-1 Single Family Residential to RM-8 Multi-Family Residential District

Attachments: [Letter of Appeal](#)
[MAPC Record of Proceedings](#)
[Plat and other documentation](#)
[Ordinance](#)

ORDINANCES ON FIRST READING

ORD-12:037 AN ORDINANCE TO VACATE AND ABANDON A PORTION OF MCCLURE STREET RIGHT-OF-WAY LOCATED IN FLINT'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS, CRAIGHEAD COUNTY, JONESBORO, ARKANSAS, AS REQUESTED BY BEST CONVEYORS

Attachments: [Abandonment documents](#)
[Plat](#)
[Aerial photo](#)
[Planning & Engineering Letters](#)

EMERGENCY CLAUSE

ORD-12:038 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO RM-12 LUO FOR PROPERTY LOCATED AT 800 HESTER STREET AS REQUESTED BY FRANK SPRINGLE

Attachments: [Plat](#)
[MAPC Report](#)

ORD-12:039 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 4216 STADIUM BLVD., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

Attachments: [Plat](#)
[MAPC Report](#)

7. UNFINISHED BUSINESS*ORDINANCES ON THIRD READING*

ORD-12:033 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 3701 EAST JOHNSON AVENUE AS REQUESTED BY GRAYSON INVESTMENTS

Attachments: [Plat](#)
[MAPC Report](#)
[MAPC Record of Proceedings](#)
[Appeal Letter](#)
[Letter to City Council - Opposition](#)

Legislative History

6/19/12	City Council	Held at one reading
7/2/12	City Council	Held at 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



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-12:048 **Version:** 2 **Name:** Housing & crime presentation by Basia Combs
Type: Other Communications **Status:** To Be Introduced
File created: 7/9/2012 **In control:** City Council
On agenda: **Final action:**
Title: Housing and Crime Presentation by Basia Combs as recommended by the Public Safety Committee
Sponsors: Police Department
Indexes: Presentations
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Title

Housing and Crime Presentation by Basia Combs as recommended by the Public Safety Committee



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-12:056 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 7/5/2012 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on July 2, 2012
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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title
Minutes for the City Council meeting on July 2, 2012



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Monday, July 2, 2012

6:30 PM

Huntington Building

PUBLIC WORKS COMMITTEE MEETING AT 5:30 P.M.

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 6:15 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent 2 - Tim McCall and Gene Vance

4. SPECIAL PRESENTATIONS

COM-12:045 Presentation by Everett Evans to Mayor Perrin for the Purple Heart Highway

Mr. Evans thanked Mayor Perrin for his support with the Purple Heart Highway designation. He noted Jonesboro is only the third city in the country with this designation and the first in the State of Arkansas. Mayor Perrin added State Representative Butch Wilkins helped the City acquire the designation.

This item was Read.

COM-12:046 Presentation by Sue McDaniel of the Child Advocacy Center to Mayor Perrin

Sponsors: Mayor's Office

Ms. McDaniel thanked the Mayor for his support of the Children's Advocacy Center. She stated the recent basketball fundraiser earned \$19,000 for their organization. She presented the Mayor with a signed basketball. Mayor Perrin thanked Ms. McDaniel for the commendation and congratulated the Center on their new facility.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

MIN-12:051 Minutes for the City Council meeting on June 19, 2012

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-12:083 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACTS FOR CITY YOUTH MINISTRIES

Sponsors: Community Development and Grants

Attachments: [2012 City Youth2.docx](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-094-2012

RES-12:085 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR FOUNDATION OF ARTS

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-095-2012

RES-12:086 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR JURHA (Jonesboro Urban Renewal & Housing Authority).

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-096-2012

RES-12:087 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR MIDSOUTH MENTAL HEALTH SYSTEMS

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-097-2012

RES-12:088 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR HABITAT FOR HUMANITY

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-098-2012

RES-12:089 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR WEST END NEIGHBORHOOD ASSOCIATION

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-099-2012

RES-12:090 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR HISPANIC COMMUNITY SERVICES, INC

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-100-2012

RES-12:091 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR LIFE SKILLS INC

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-101-2012

RES-12:092 A RESOLUTION APPROVING THE IMPLEMENTATION OF THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE CONTRACT FOR

NARAN

Sponsors: Community Development and Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-102-2012

RES-12:103

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO A GRANT AGREEMENT WITH THE WINTHROP ROCKEFELLER FOUNDATION FOR A TWO-YEAR \$100,000 NON-MATCH GRANT TO FUND THE NORTH JONESBORO NEIGHBORHOOD INITIATIVE.

Sponsors: Grants

Attachments: [Contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-103-2012

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-12:032

AN ORDINANCE TO AMEND THE 2012 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A NORTH JONESBORO INITIATIVE COMMUNITY SERVICE COORDINATOR IN THE GRANTS DEPARTMENT

Sponsors: Grants and Human Resources

Attachments: [N Jonesboro Initiative Comm Ser Coord](#)

Councilwoman Williams offered the ordinance for first reading by title only.

Grants Administrator Heather Clements explained this is a new position that will be paid for 100% by the Rockefeller Grant and supplemented by CDBG funds. She further explained this position will help implement the North Jonesboro Neighborhood Initiative.

Councilwoman Williams motioned, seconded by Councilman Moore, to suspend the rules and waive the second and third readings. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

Enactment No: O-EN-027-2012

ORD-12:035 AN ORDINANCE TO AMEND THE 2012 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A REHAB PROJECT COORDINATOR IN THE GRANTS DEPARTMENT

Sponsors: Grants and Human Resources

Attachments: [Rehab Project Coordinator.pdf](#)

Councilwoman Williams offered the ordinance for first reading by title only.

Ms. Clements explained this position will be replacing the current Project Coordinator position under CDBG. They needed someone with more technical experience to implement the home rehabilitation projects to low and moderate income families. The job description was adjusted accordingly. Councilman Woods asked if this position will work with the contracts to make sure the projects are implemented correctly. Ms. Clements stated one of the programs CDBG implements is the rehab project and each year they allocate a certain amount of funds to deliver rehab services. They were also just certified to receive house funds, so they need someone to help implement the assistance as accurately as possible. Mayor Perrin added the City can now apply for up to \$500,000 a year of housing funds, which will free up some CDBG funding. Councilman Gibson questioned whether the salary for this position is the same as the previous position. Ms. Clements answered yes.

Councilman Street motioned, seconded by Councilwoman Williams, to suspend the rules and waive the second and third readings. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

Enactment No: O-EN-028-2012

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-12:033 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 3701 EAST JOHNSON AVENUE AS REQUESTED BY GRAYSON INVESTMENTS

Attachments: [Plat](#)
[MAPC Report](#)
[MAPC Record of Proceedings](#)
[Appeal Letter](#)

Mayor Perrin explained since this is just the second reading, so all discussion will be held until the third reading at the next meeting.

This ordinance was Held at second reading.

8. MAYOR'S REPORTS

Mayor Perrin discussed the following items:

July is Parks Month

He met with Mr. Jim Stark of Vector Disease Control on June 28th. Mr. Stark asked that 24-hour notice be given to the company for special event spraying. The company flew the plane on June 28th and will fly it again tonight. Councilman Coleman stated the trucks seem to drive fast in northern Jonesboro and he has been getting complaints about it from residents. Mayor Perrin noted he will contact the company about it tomorrow. The company's computer system will reflect how fast the trucks are driving.

The pool center opened today. \$714 was made at the gate, with another \$300 made at the concession stand. There were 300 visitors today. He encouraged everyone to visit it. There will be a state swim meet at the pool center on Friday.

They are conducting a recycling study. They have found out of the 28,000 households in Jonesboro only 10% recycle. They are going to try and get the numbers up on recycling.

The incinerator burned 4,487 tons for the first six months this year. The revenue was \$26,000, with the City making \$22,000 after fees at the landfill.

The ward meetings have been completed. He listed the concerns that were presented. Code enforcement and streets/road were the top two concerns. 77 people turned in comments. Attendance was lower, but that was probably due to issues being addressed better than in the past.

9. CITY COUNCIL REPORTS

Councilman Street stated he likes the new blue bags and thinks residents will appreciate them as well.

Councilman Street motioned, seconded by Councilwoman Williams, to suspend the rules and add RES-12:105, RES-12:106 and RES-12:109 to the agenda. All voted aye.

RES-12:105

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH TOWNSHIP BUILDERS, INC. FOR THE JONESBORO PHILLIPS DR. STREETSCAPING - JOB NO. 2012:18

Sponsors: Engineering

Attachments: [Specifications.pdf](#)
[Bid Tab.pdf](#)

A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by the following vote:

Aye: 9 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Nay: 1 - Chris Moore

Absent: 2 - Tim McCall and Gene Vance

Enactment No: R-EN-106-2012

RES-12:106 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A PROJECT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICES (NRCS) TO RELIEVE HAZARDS REPRESENTED BY FLOODING IN APRIL/MAY 2011

Sponsors: Engineering

Attachments: [Agreement.pdf](#)

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

Enactment No: R-EN-107-2012

RES-12:109 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO SET A PUBLIC HEARING REGARDING THE VACATING AND ABANDONMENT OF A PORTION OF MCCLURE STREET RIGHT-OF-WAY LOCATED IN FLINT'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS

Sponsors: Engineering and Planning

Attachments: [McClureStreetAbandonment Documents](#)
[Plan_McClureStreetAbandonment](#)
[Engineering_Planning_Letters](#)
[McClure_Burke_Aerial](#)
[Ordinance](#)

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

Enactment No: R-EN-108-2012

Councilman Street noted the mosquito spraying trucks move fast in his area as well. He added the company has told him that the computer tells them how fast they have to drive.

Councilwoman Williams motioned, seconded by Councilman Gibson, to add RES-12:111 and RES-12:112 to the agenda. All voted aye.

RES-12:111 RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS AND COMMUNITY DEVELOPMENT DEPARTMENT TO APPLY FOR A BLUE AND YOU FOUNDATION GRANT FOR THE NORTH JONESBORO NEIGHBORHOOD INITIATIVE

Sponsors: Grants

A motion was made by Councilwoman Ann Williams, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

Enactment No: R-EN-104-2012

RES-12:112 RESOLUTION AUTHORIZING THE JONESBORO MUNICIPAL AIRPORT TO RECEIVE FEDERAL GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION TO EXECUTE GRANT PROJECT AS OUTLINED IN THE GRANT AGREEMENT

Sponsors: Grants

Attachments: [FAA Grant Agreement for 2012](#)

A motion was made by Councilwoman Ann Williams, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

Enactment No: R-EN-105-2012

Councilman Moore asked for a report showing the cost of the recycling program to order to ensure the City isn't paying more to recycle than it would cost to just dispose of the trash. Mayor Perrin explained ADEQ will be redrafting their laws concerning landfills. A lot of cities are using drop boxes instead of trucks picking up the recycling .

10. PUBLIC COMMENTS

Employee Representative Chairman Larry Jackson questioned how "Obamacare" will affect the City employees. He then noted how thankful the employees are for the new public works facilities and credited Councilman Johnson for helping to move that project along. Mayor Perrin answered he is not sure how Obamacare will affect the employees, but his best guess is that the insurance premiums will increase due to no pre-existing conditions and the insurance companies wanting to have reserves. He added he will have Human Resources look at that issue. Mayor Perrin stated on July 24th the Municipal League and AHTD will be in town to tour the new public works facilities. The Municipal League has indicated they are not aware of another city that has all of the functioning parts in one area like Jonesboro has now.

Ms. Laura Pew, 907 Walnut, discussed mosquito control. She explained she has a

thyroid condition that is affected by the mosquito spray Vector uses. She further explained she heard about an organic oil that is used to get rid of mosquitoes. She noted the mosquito chemical spray used by Vector can cause thyroid failure. She stated the organic oil is sold at the website www.mosquitobarrier.com.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this meeting be Adjourned . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 2 - Tim McCall and Gene Vance

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk



Legislation Details (With Text)

File #:	RES-12:102	Version:	1	Name:	Maintenance agreement for Wolf Creek Place Commercial Subdivision
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	6/12/2012	In control:		In control:	Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WOLF CREEK PLACE, A COMMERCIAL SUBDIVISION				
Sponsors:	Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Maintenance Agreement.pdf				

Date	Ver.	Action By	Action	Result
7/2/2012	1	Public Works Council Committee		

Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WOLF CREEK PLACE, A COMMERCIAL SUBDIVISION

Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, Phillips Investment & Construction, Inc. has submitted a Maintenance Agreement for Stormwater Management Facilities for Wolf Creek Place development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

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

Section 1. That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with Phillips Investment & Construction, Inc. and authorizes the filing of a record plat for Wolf Creek Place development.

Section 2. The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

**MAINTENANCE AGREEMENT
FOR STORMWATER MANAGEMENT FACILITIES**

Property Identification

Project Name: Wolf Creek Place
Project Address: 3709 thru 3725 Johnson Ave.
Owner(s): Phillips Investment & Construction Inc.
Owner Address: 3406 Stadium Blvd.
City: Jonesboro **State:** AR **Zip Code:** 72404

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 1st day of June, 2012, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and Phillips Investment & Construction Inc., hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for Wolf Creek Place as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.

2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent:	<u>Barry L. Phillips</u>	<u>[Signature]</u>	<u>6-11-12</u>
	Printed Name	Signature	Date
Owner/Agent:	<u>Steve Phillips</u>	<u>[Signature]</u>	<u>6/11/12</u>
	Printed Name	Signature	Date
Owner/Agent:	<u>Don Phillips</u>	<u>[Signature]</u>	<u>6-11-12</u>
	Printed Name	Signature	Date

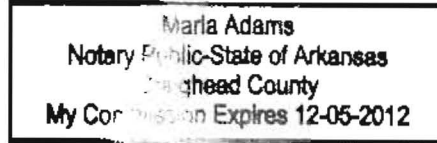
STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Barry, Dan; Steve Phillips to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 11 day of June, 2012.

Marla Adams
Notary Public (Printed Name)

Marla Adams
Notary Public (Signature)



My Commission Expires: 12/05/12

Accepted by:

Mayor

Date

City Clerk

Date



Legislation Details (With Text)

File #:	RES-12:104	Version:	1	Name:	Maintenance agreement for Merrell Estates Phase II
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	6/15/2012	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR MERRELL ESTATES PHASE II, A RESIDENTIAL SUBDIVISION				
Sponsors:	Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Maintenance Agreement.pdf				

Date	Ver.	Action By	Action	Result
7/2/2012	1	Public Works Council Committee		

Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR MERRELL ESTATES PHASE II, A RESIDENTIAL SUBDIVISION

Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, Merrell Estates Development, LLC has submitted a Maintenance Agreement for Stormwater Management Facilities for Merrell Estates Phase II development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

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

Section 1: That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with Merrell Estates Development, LLC and authorizes the filing of a record plat for Merrell Estates Phase II development.

Section 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

**MAINTENANCE AGREEMENT
FOR STORMWATER MANAGEMENT FACILITIES**

Property Identification

Project Name: Merrell Estates Phase II
Project Address: Adam Drive
Owner(s): Merrell Estates Development, LLC.
Owner Address: P.O. Box 1081
City: Jonesboro State: AR Zip Code: 72403

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this ___ day of _____, 20___, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and Merrell Estates Development, LLC., hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for Merrell Estates Phase II as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent:	Mark Morris		6-13-12
	Printed Name	Signature	Date
Owner/Agent:	Jason Willis		6-13-12
	Printed Name	Signature	Date

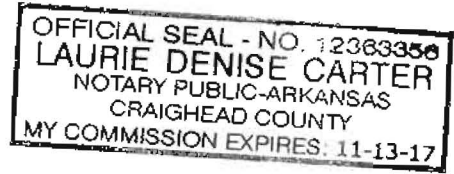
STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Mark Morris & Jason Willis to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 13 day of June 2012

Laurie Denise Carter
Notary Public (Printed Name)

Laurie Denise Carter
Notary Public (Signature)



My Commission Expires: 11-13-17

Accepted by:

Mayor

Date

City Clerk

Date



Legislation Details (With Text)

File #:	COM-12:050	Version:	1	Name:	Request for an appeal hearing regarding the denial of a rezoning by MAPC
Type:	Other Communications	Status:		Status:	To Be Introduced
File created:	7/10/2012	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	Request by James & Ina Gossett to set an appeal hearing regarding the denial by the MAPC to rezone property located at 4306 & 4310 Aggie Road from R-1 Single Family Residential to RM-8 Multi-Family Residential District				
Sponsors:					
Indexes:	Appeal hearing requests				
Code sections:					
Attachments:	Letter of Appeal MAPC Record of Proceedings Plat and other documentation Ordinance				

Date	Ver.	Action By	Action	Result
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title
Request by James & Ina Gossett to set an appeal hearing regarding the denial by the MAPC to rezone property located at 4306 & 4310 Aggie Road from R-1 Single Family Residential to RM-8 Multi-Family Residential District

Haywood, Kenward, Bare

AND ASSOCIATES, INC.

Civil Engineering - Surveying - Planning

July 9, 2012

Donna Jackson, City Clerk
City of Jonesboro
515 W. Washington Avenue
Jonesboro, AR 72401

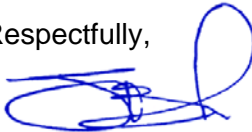
RE: Letter of Appeal for Rezoning Application

Ms. Jackson,

On behalf of the Applicants, Haywood, Kenward, Bare & Associates, Inc. (HKB) is writing to formally request an Appeal Hearing in regard to the Rezoning Application for the Property located at 4306 and 4310 Aggie Road. It is our contention the Metropolitan Area Planning Commission's (MAPC) decision was misguided on this particular case based on the City's current Land Use Plan.

If you have any questions regarding this letter, please do not hesitate to contact me at 870-932-2019.

Respectfully,



Jason Branch, P.S.,
Haywood, Kenward, Bare & Associates, Inc.



City of Jonesboro City Council
Staff Report – RZ 12-09: 4306 & 4310 Aggie Rd.
Huntington Building - 900 W. Monroe
For Consideration for Appeal by the Council August 7, 2012

- REQUEST:** To consider an appeal to Council of a denial recommendation by the MAPC of a rezoning of a parcel of land containing 6.2 acres more or less.
- PURPOSE:** A request to consider an appeal of a denial by the MAPC of a rezoning from R-1 Single Family Residential to RM-8 Multi-Family Residential District (48 Apartment Units 32 1-BR/16 2-BR- 24 Duplexes).
- APPLICANT/
OWNER:** Skip Mooney Sr., Atty. for Owners/Applicants:
James H. & Ina P. Gossett, 4306 East Aggie Rd. Jonesboro AR 72401
- LOCATION:** 4306 and 4310 Aggie Rd.(North side of Street), East of Airport Road, West of Paragould Dr.
- SITE
DESCRIPTION:** Tract Size: Approx. +/- 6.2 acres, +/- 270,330 sq. ft.
Frontage: 410 ft. +/- along Aggie.
Topography: Slightly sloping
Existing Development: Existing House
- | | | |
|------------------------------------|-------------|-------------------------|
| SURROUNDING
CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
| | North: R-1 | Single Family |
| | South: R-1 | Mobile Home Park |
| | East: R-1 | Single Family |
| | West: R-3 | Multi-Family/Apartments |
- HISTORY:** None
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Single Family Residential. The proposed rezoning is inconsistent with the land use map with the proposed multi-family.

Approval Criteria- Section 117-34- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.

- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (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;
- (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
- (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.



Vicinity/Zoning Map

MAPC RECORD OF PROCEEDINGS: Public Hearing 6/12/2012:

Applicant:

Skip Mooney, Sr.- Attorney for James H. & Ina P. Gossett presented the case to the MAPC for approval of a rezoning of 6.2 acres located at 4306 & 4310 Aggie Rd. from R-1 Single Family to RM-8 Multi-Family for 24 duplexes.

Mr. Skip Mooney stated that he would like to speak for a minute about the only rezoning issue on the agenda. The property is owned by Mr. James Gossett, who is currently ill. The Gossetts have

arranged with Mike Watson to buy their home. The existing home is on 2 lots, having 6.2 acres located at 4306 and 4310 Aggie Road. One of our largest trailer parks is located across the street. Mr. Mike Watson has a substantial investment in that area to the west, and he plans to build 24 duplexes. There will be 32- one bedroom units, which is noted in the application, and the new hospital will have an open demand for housing in that area. Mr. Watson is here, and Mr. Terry Bare will all speak.

Mr. Mike Watson: Stated that he owns the adjacent property at 4204 - 4300 Aggie Rd. His property is on the west side of the project site. Mr. Skip Mooney has mention that we will build 48 units/ 24 duplexes with the majority of one bedroom to appeal to the young professional group. The one bedrooms will be 810 square feet and priced at \$750 - \$795 with all utilities paid. The units will have granite countertops and stainless steel appliances. The patios will be off of each unit. There will be 16 - 2 bedroom units, having 1,120 square feet to rent for \$950 per month, with all utilities and cable paid.

Mr. Watson: This site is approximately one to two miles from the new hospital. Mr. Watson noted that he has been able to monitor, and has had good luck with his clientele. Mr. Watson stated that he has 3 basketball coaches and 2 assistant coaches from ASU's volleyball team, and young professionals. The units will be brick and vinyl and will have split level plan on the 2 bedrooms.

Terry Bare (HKB Engineers): Stated that this is a concept and an idea, and not a defined plan for marketing to professionals, and maybe people with children. Noted that they have shown a bus turnaround to allow for safety of the children in that area. The existing house will remain and won't be changed for apartments.

Mr. Bare: Stated that opponents for change usually bring up traffic concerns. The City of Jonesboro has improved the curve in Aggie Rd. at Paragould Rd. to deal with the traffic to the north, with the 90 degree curve. As we all know, growth brings traffic problems. Single family homes can be rented as well. He further added that according to research, there is lacking in availability in the area for 1 bedrooms. The change in zoning is a good fit and will allow for orderly growth.

Mr. Bare: Stated that Mr. Watson has shown photos of his development. The opponents will bring up concerns about safety and crime. They pulled statistics for the last 6 months from his apartments and there were 2 calls - one was due to someone backing into a resident's automobile in which the alarm went off. He further stated that the other call was regarding visitors visiting a friend in the area.

Public Input:

Mr. Rick Wyatt, March Banks Estates: Pointed out the reasons for their opposition. Noted that this is a concept that we don't know what the final plan will be. Quoted March Banks Subdivision opposition with airport traffic. Also the new school will add to this traffic. This will decrease the property values. None of residences are for this. The annexation of this property and the trailer park is why it exists. He further stated that there are no rezonings for this area that have occurred recently for apartments. We voice opposition to this proposal.

Nicky Bridger, Chairman of the Country Wood Subdivision: The Aggie Road case is between a rock and hard place, because Ms. Gosset is a friend. She was against apartments across from her before when they tried to do this with another piece of land close to her. Mr. Watson keeps the apartments nice and clean. The police park right by the fence next door. We sit there on porch and counted 10 people that they stopped for speeding. When the school buses are running, the traffic is chaotic. The area can't stand anymore traffic. She added that they have 125 homes in their subdivision and they are all against it.

Mark Harding – Ridge Run Subdivision: He adjoins Paragould Road on the backside of this property; they declined the property on Prospect and Airport Road. The reason is that the cars that drive to work every day are already backing up traffic on Aggie Road, with the engineering needing to be re-worked. They are not opposed to change- sometime change is good. It is the five or ten years down the road that they are worried about. He added that he stands in alliance with his neighbors that the trailer park in the neighborhood is one of their biggest problems. He really does not think they can take any more than what is already there. This is an island surrounded by 4 narrow streets and we cannot handle more high density zoning. they do not know what the hospital will do to our area. There is opportunity for high density to occur out on the main corridor. He added that we need to talk about transition areas and we don't need to plot 48 more units in this area. He knows you can put 33 units in there, but that is a slower growth to adapt to the problems. He added that they are asking that MAPC would please decline this rezoning.

Todd Burton - Ridge Run Subdivision: Stated that the multi-family adjacent was annexed in. Where do you draw the line on these kinds of things? On the land to the right to the curve: They are opposed to the apartments. There are nice houses in the area. They have done a good job with this area and single family homes will continue to grow.

Mr. Watson: The property at 4204 Aggie Rd. was not grandfathered; it is zoned R3 by David Abernathy. Nicky Bridger stated that her problem with this is I understand the Gusset's have a large piece of property that they need to sale. Please apply a Limited Use Overlay. They are willing to adhere to those restrictions.

Mr. Tomlinson: These lots should be replatted into one lot. The existing house will remain there on the property. It will be use for mailbox and the placing of the dumpster. When pulling out of Paragould to Johnson, you take a chance- it is like suicidal to get back to the west. People try to avoid going that way.

Mr. Hoelscher: Observed that he felt that this request deviates from the plan for that area. Asked is this a major or minor detour from the plan.

Mr. Spriggs suggested that the MAPC would look at the plan towards future growth. Any deviations needs a legitimate reason for any deviation. He suggested that when doing that, spot zoning needs to be steered away from.

Ms. Nix asked if this were spot zoning? **Mr. Spriggs** stated that he doesn't feel that this is spot zoning. One reason is the discrepancy in the codes and ordinances on the definition of multi-family which is defined by a development having 3 or more family units. The other reason would be the types of uses surrounding the development noted.

Mr. Perry Smith (Nephew of the Gossett's): Yes, we opposed the apartments that were going on Aggie at Paragould. There was some deception by the applicant who said that they were only building homes.

Mr. Smith added that in the City Plan: Country wood was zoned R-2 and was zoned for duplexes. This property has very little value with R-1 Single Family. The most preferred use is what we have proposed.

Mr. Kelton: Asked that if this were approved, would this serve as a catalyst for someone to put on a radar that something needs to be done about the roads and traffic in that vicinity?
Mr. Spriggs agreed that it needs to be placed on the radar, but it will be determined by traffic volume and accident numbers. Growth will determine that.

Mr. Tomlinson: Airport Road and Aggie Rd. are a disaster. The City hasn't said anything will be done at that intersection. It should be a major intersection planned there.

Commission Action:

A motion was made by Mr. Kelton to place Case: RZ-12-09 on the floor for consideration and for recommendation to City Council for a rezoning from R-1 to "RM-8, L.U.O. " Multi-Family Residential District, L.U.O with staff's conditions. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area. Motion was seconded by Mr. Jim Scurlock.

Mr. Jim Scurlock: Stated that people should have the right to do what they want with their land. There is a difference in stacked apartments and what is planned here. No matter what has happened, there will be problems with the road. There are apartments there and they need to have green space and need daycares for the area. I'm going to vote to pass this with the Staff conditions.

Mr. Kelton: Stated he is voting no, but we have six acres here that we are actually condemning. He added that he is voting against it because of safety and traffic concerns. He further stated that Mr. Watson has done an excellent job on his other development.

Mr. Reece: Commended Mike Watson on his good work. Because of the Land Use Plan and the traffic we need to come up with a stopping point in that area with new proposals for more apartments.

Ms. Nix: agreed that she's heard only excellent things. Because of the land use plan- She is saying -No.

The motion FAILED by the following vote: Vote 6 to 1 to recommend Denial to City Council.

Aye: 1 - Jim Scurlock

Nay: 6 - Mr. Joe Tomlinson; Mr. Paul Hoelscher; Mr. Ron Kelton; Ms. Beverly Nix; Ms. Kim Elmore; Mr. Reece.

Absent: 1 - Brian Dover

Staff Findings:

Master Street Plan/Transportation

The subject site is served Aggie Rd. the Master Street Plan defines the road as a collector which has a right of way totaling 80 ft. (no right of way is shown on plat). This may reduce the proposed acreage by as much as... 3/4.... of an acre.

Zoning Code Compliance Review:

The applicant is requesting a change as a RM-8 Multi-Family Residential District and staff met with the applicant to evaluate various options for the petition. The property is surrounded by a varying housing stock, several apartment complexes in the immediate area and a large mobile home park to the South.

Low density was suggested and the rendering resembles a planned development. If approved, the development will net 48 attached apartments, includes an onsite openspace park setting and buffering will be provided along property boundaries. Current R-1 Density will allow approximately 33 single family homes (66 potential vehicles) to be built under the gross density calculation. The applicant is proposing the RM-8 District on the site with a single private driveway for access.

Staff has discussed possible approaches to this development through either the Planned District Development Code or the Limited Use Overlay. This is highly recommended so that the MAPC and City Council can place necessary provisions on the development to assure the promised outcome.

RM-8 Zoning District

Requires 5,445 s.f. per unit= Gross units permitted: **49 apartment units**

Front Setback: 25 ft.

Side: 10 ft.

Rear: 20 ft.

-Multi-family Structures over one story or 15ft in height shall have an additional 8-ft. side and rear setback for every additional story or 15ft. in building height.

Parking required: 1.75 spaces per 1-bedroom units (32 @ 56 spaces); 2.25 spaces per 2-bedroom units (16 @36 spaces); 92 required, 132 spaces provided.

Buffering/Screening:

All parking areas shall be screened or buffered. All dumpster locations shall be properly shielded per Section 117-326 of the Jonesboro Code of Ordinances. Perimeter privacy fencing or solid landscaped buffering should be considered to minimize impact on abutting single family residences. Exterior lighting shall be designed to minimize light spilling onto surrounding properties.

Conclusion:

The MAPC finds that the requested Zone Change submitted by James and Ina Gossett, should be denied as noted above, of the request to rezone property from “R-1” to “RM-8” Multi-Family Residential District. The Case was recommended as denied by the MAPC.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking West along subject property.



View looking East towards Paragould Dr. subject property to the left.



View of subject property.



View of property South of subject site (trailer park).



View of subject property rear yard.



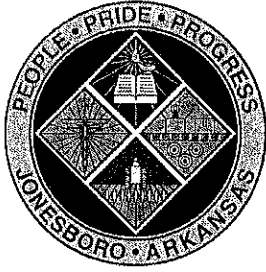
View looking North of subject property (rear acreage).



View looking West of subject property (rear acreage).



View looking South towards the trailer park Intersection of Airport Rd. & Prospect Rd.



Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: 5/15/12
Case Number: RZ12-09

LOCATION:

Site Address: 4306 & 4310 AGGIE ROAD

Side of Street: NORTH between AIRPORT ROAD and OLD PARAGOULD ROAD

Quarter: NE Section: 15 Township: 14 NORTH Range: 4 EAST

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

SITE INFORMATION:

Existing Zoning: R-1 Proposed Zoning: RM-8

Size of site (square feet and acres): 6.2 ACRES +/- Street frontage (feet): 410' +/-

Existing Use of the Site: SINGLE-FAMILY RESIDENCE

Character and adequacy of adjoining streets: ASPHALT SURFACE, GOOD CONDITION, ADEQUATE FOR TRAFFIC FLOW.

Does public water serve the site? YES

If not, how would water service be provided? N/A

Does public sanitary sewer serve the site? YES

If not, how would sewer service be provided? N/A

Use of adjoining properties:

North ZONED R-1 - RESIDENTIAL

South ZONED R-1 - RESIDENTIAL, MULTI-FAMILY, MANUFACTURED HOUSING

East ZONED R-1 - RESIDENTIAL

West ZONED R-3 - RESIDENTIAL, MULTI-FAMILY UNITS

Physical characteristics of the site: SUBJECT PROPERTY IS CONTAINS AN EXISTING SINGLE FAMILY RESIDENCE.

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

Characteristics of the neighborhood:

NEIGHBORHOOD IS CURRENTLY A COMBINATION OF MULTI-FAMILY HOUSING AND SINGLE-FAMILY HOUSING.

REZONING INFORMATION:

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

- (1). How was the property zoned when the current owner purchased it? **R-1**
 - (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? **BEST USE OF PROPERTY WITH PONTENTIAL FOR DEVELOPMENT.**
 - (3). If rezoned, how would the property be developed and used? **WITHIN THE RESTRICTIONS OF THE PROPOSED ZONING.**
 - (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? **N/A**
 - (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? **YES**
 - (6). How would the proposed rezoning be the public interest and benefit the community? **BY PROVIDING THE OPPORTUNITY TO INCREASE THE NEEDS OF THE AREA.**
 - (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? **IT WOULD BE COMPATIBLE WITH ONGOING DEVELOPMENT IN THE AREA.**
 - (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? **DUE TO THE POTENTIAL GROWTH IN THE SURROUNDING AREA THIS PROPERTY WOULD BE BEST USED AS THE REQUESTED ZONING DISTRICT.**
 - (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property. **POSITIVE IMPACT.**
 - (10). How long has the property remained vacant? **N/A**
 - (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? **N/A**
 - (12). If the rezoning is approved, when would development or redevelopment begin? **NOT DETERMINED AT THIS TIME.**
 - (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.* **PUBLIC IS AWARE OF ONGOING DEVELOPMENT OF AREA AND REZONING IS TO MEET THE NEED OF SURROUNDING AREA.**
-
- (14). If this application is for Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.
N/A

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

OWNERSHIP INFORMATION:

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

Owner of Record:

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

Applicant:

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

Name: JAMES H. & INA P. GOSSETT

Name:

Address: 4306 EAST AGGIE ROAD

Address:

City, State: JONESBORO, AR ZIP 72401

City, State: ZIP

Telephone:

Telephone:

Facsimile:

Facsimile:

Signature: Ina P Gossett

Signature: James H Gossett

by: Ina P Gossett his atty-in-fact

Warranty Deed

WITH RELINQUISHMENT OF DOWER

Know All Men By These Presents:

ARKANSAS DOCUMENTARY \$2.20
0379234

ARKANSAS DOCUMENTARY \$4.40
0168912

0168914

THAT WE, Earl Freeman
and Alpha Freeman, his wife

for and in consideration of the sum of TEN THOUSAND & NO/100
(\$10,000.00) DOLLARS

to us in hand paid by James H. Gossett and Ina P. Gossett, his wife,
as tenants by the entirety, receipt of which is hereby acknowledged,
do hereby grant, bargain, sell and convey unto the said James H. Gossett and Ina P.
Gossett, his wife, as tenants by the entirety,

and unto their heirs and assigns forever, the following lands lying in the
County of Craighead and State of Arkansas, to-wit:

That part of the Southwest Quarter of the Northeast Quarter of the
Northeast Quarter of Section 15, Township 14 North, Range 4 East,
described as follows: Beginning at the Northwest corner of said
tract, run thence South 660 feet to the Southwest corner of said
tract, run thence East along the South line of said tract 198 feet,
run thence North parallel with the West line of said tract 660 feet
to the North line of said tract, run thence West along said North
line of said tract 198 feet to the point of beginning, containing
3.0 acres, more or less.

To have and to hold the same unto the said James H. Gossett and Ina P. Gossett,
his wife, as tenants by the entirety,

and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

And WE hereby covenant with said James H. Gossett and Ina P.
Gossett, his wife that WE will forever warrant and defend
the title to the said lands against all claims whatever.

And I, Alpha Freeman
wife of the said Earl Freeman

for and in consideration of the said sum of money, do hereby release and relinquish unto the said
James H. Gossett and Ina P. Gossett, his wife, as tenants by the
entirety
all my right of dower and homestead in and to the said lands.

WITNESS our hands and seals on this 11th day of March, 1976

Earl Freeman (L. S.)
Alpha Freeman (L. S.)



✓ This Instrument Prepared by
BRADLEY & COLEMAN
Attorneys at Law
Jonesboro, AR 72401

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That We, Earl Freeman and Alpha Freeman, GRANTORS, for and in consideration of the sum of Ten and no/100 dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said Harold Gossett and Parthena Gossett, GRANTEES, and unto their heirs and assigns forever, the following lands situated in County of Craighead and State of Arkansas, to-wit:

All of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 15, Township 14 North, Range 4 East, less the West 198 feet thereof, and Less the East 254 feet thereof.

To have and to hold unto the said Harold Gossett and Parthena Gossett, Grantees, and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

And We, the GRANTORS, for and in consideration of the said sum of money, do hereby release and relinquish unto the said GRANTEES, and unto their heirs and assigns, all my right and possibility of dower, curtesy and homestead in and to the said lands.

And We, hereby covenant with the said Harold Gossett and Parthena Gossett, that We will forever warrant and defend the title to said lands against all lawful claims whatever.

WITNESS my hand and seal on this 15th day of September, 1994.

Earl Freeman

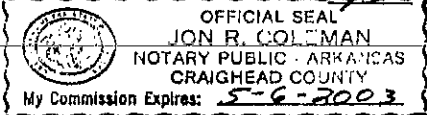
Alpha Freeman

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day personally appeared before the undersigned, a Notary Public duly qualified, commissioned and acting, within and for the said County and State, in person the within named Earl Freeman and Alpha Freeman, to me well known as the Grantors in the foregoing Deed, and stated that they had executed the same for the consideration and purpose therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 15th day of September, 1994.

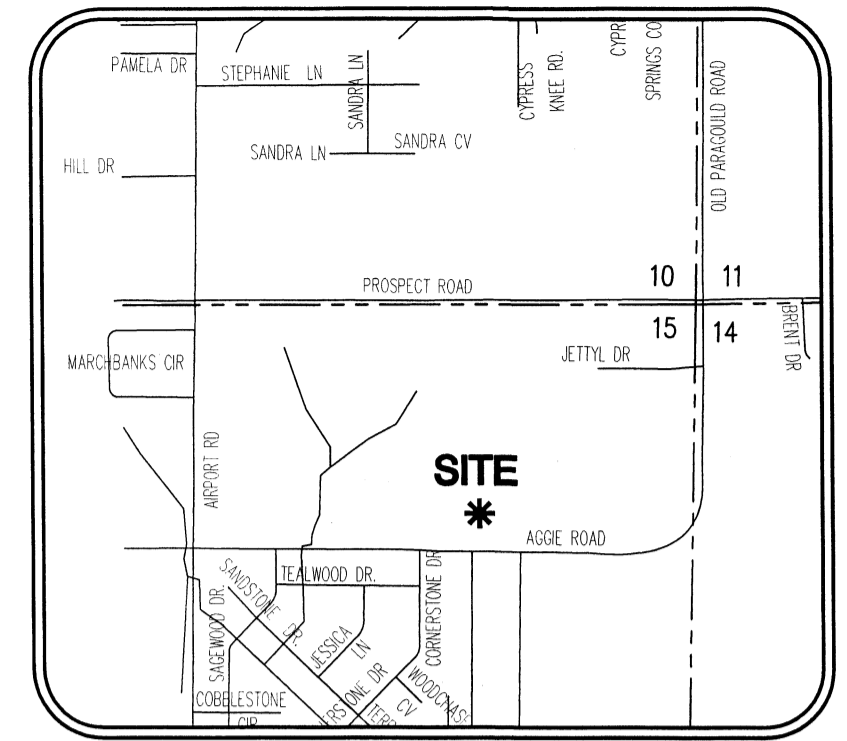
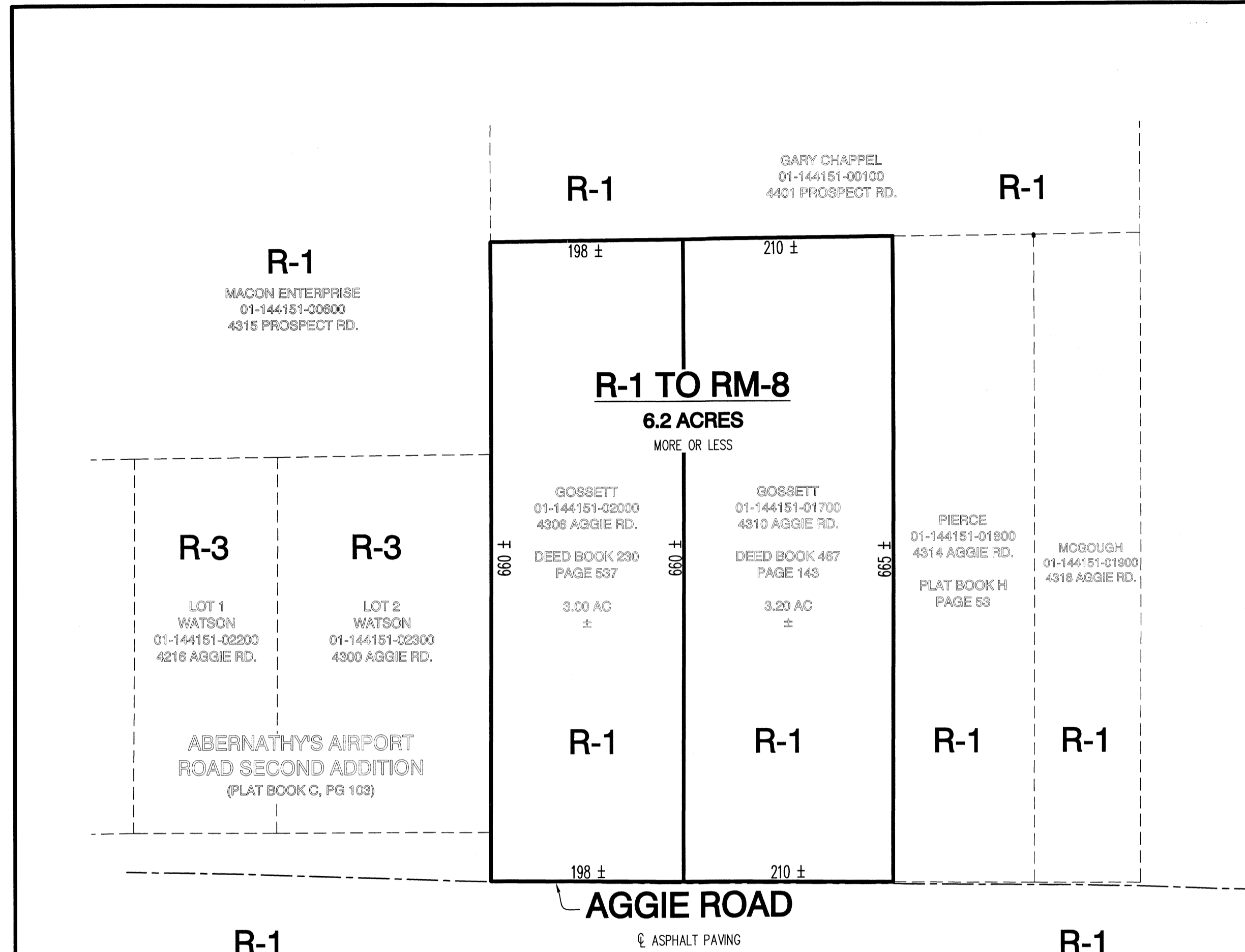


Jon R. Coleman
Notary Public

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Jamie H. Gossett

4306 East Agge Road
Jonesboro AR 72401-9793



VICINITY MAP
(NOT TO SCALE)

OWNERS CERTIFICATION:
I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND I HEREBY REQUEST A REZONING FROM:
(R-1) SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO (RM-8) RESIDENTIAL MULTI-FAMILY CLASSIFICATION

SIGNED THIS 15 DAY OF MAY, 2012.
James H. Gossett by *Ina P. Gossett RA*
JAMES H. GOSSETT
Ina P. Gossett
INA P. GOSSETT

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, RUN THENCE SOUTH 660 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, RUN THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT 198 FEET, RUN THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID TRACT 660 FEET TO THE NORTH LINE OF SAID TRACT, RUN THENCE WEST ALONG SAID NORTH LINE OF SAID TRACT 198 FEET TO THE POINT OF BEGINNING, CONTAINING 3.0 ACRES, MORE OR LESS.

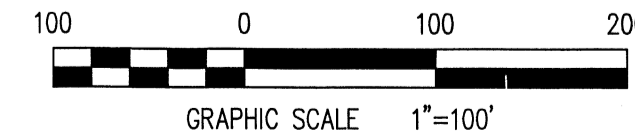
TOGETHER WITH:

ALL OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST, LESS THE WEST 198 FEET THEREOF, AND LESS THE EAST 254 FEET THEREOF.

SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY, OFF AND ACROSS THE SOUTH SIDE THEREOF; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

GENERAL NOTES:

- HAYWOOD, KENWAR, BARE & ASSOCIATES, INC., HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE. **SUBJECT TO AN "ON-THE-GROUND" SURVEY TO VERIFY ANY AND ALL DIMENSIONS OF THE PROPERTY SHOWN**
- THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS COMPILATION MAP:
 - WARRANTY DEED, FREEMAN TO GOSSETT, DEED BOOK 230, PAGE 537, DATED MARCH 11, 1976.
 - WARRANTY DEED, FREEMAN TO GOSSETT, DEED BOOK 467, PAGE 143, DATED SEPTEMBER 15, 1994.
 - PLAT OF SURVEY, BY TROY SHEETS, PS 596, RECORDED IN BOOK H, PAGE 53, FILED ON DECEMBER 9, 1986.
 - ABERNATHY'S AIRPORT ROAD SECOND ADDITION, BY TERRY BARE, PS 1048, RECORDED IN BOOK C, PAGE 103, FILED ON FEBRUARY 5, 2001.
- THE SUBJECT PROPERTY LIES OUTSIDE THE 100-YEAR SPECIAL FLOOD HAZARD, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL NO. 05031C0044C, EFFECTIVE DATE SEPTEMBER 27, 1991.
- SUBJECT PROPERTY IS ZONED R-1, SINGLE-FAMILY MEDIUM DENSITY DISTRICT.
- R-1 BUILDING SETBACKS:
25' STREET SETBACK
7.5' SIDE SETBACK
25' REAR SETBACK
- PROPOSED ZONING RM-8, RESIDENTIAL - MULTI-FAMILY CLASSIFICATION, 8 UNITS PER NET ACRE, INCLUDES A; FORMS OF UNITS, DUPLEXES, TRI-PLEXES, QUADS, AND HIGHER.
- PROPOSED RM-8 BUILDING SETBACKS:
25' STREET SETBACK
10' SIDE SETBACK
20' REAR SETBACK



REZONING APPLICATION

HKB

REZONING APPLICATION

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

Haywood, Kenward, Bare AND ASSOCIATES, INC.
Civil Engineering, Surveying & Planning Services
1801 Latourette Drive, Jonesboro, AR, 72404
TEL. 870-932-2019 FAX 870-932-1076

JASON H. BRANCH - SURVEYOR
ARKANSAS - 1596

Haywood, Kenward, Bare, and Associates, Inc
ARKANSAS - 234

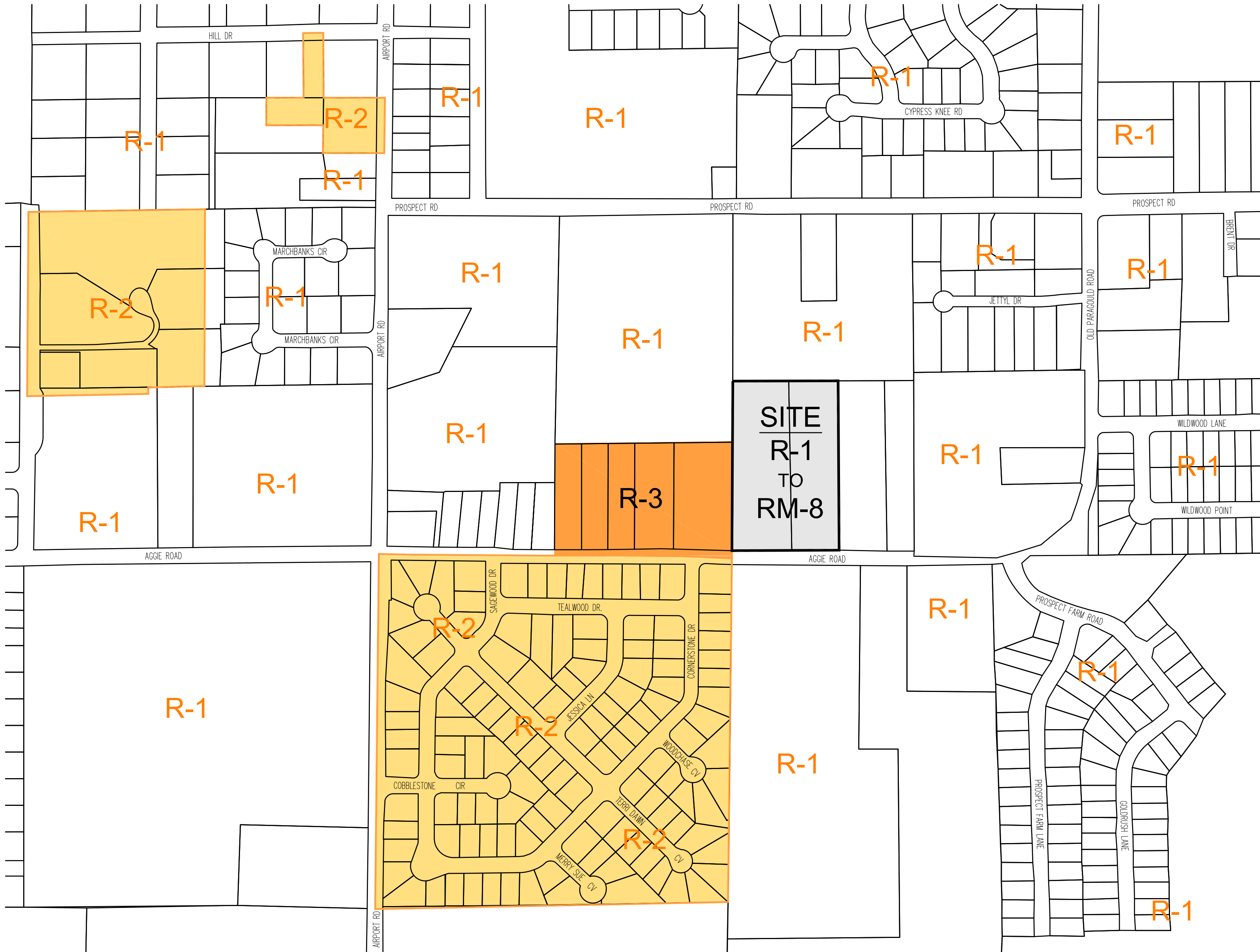
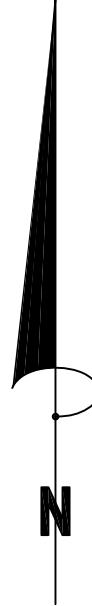
CLIENT:
TRIPLE W INVESTMENT
COPYRIGHT 2011, ALL RIGHTS RESERVED

REVISIONS

DATE	BY	DESCRIPTION

PROJECT NO.
W039-0001-12

DRAWN BY JHB	CHECKED BY JHB
SHEET 1 OF 1	SCALE 1"=100'
DATE 05/15/12	DRAWING NO. 57-362



REZONING VICINITY MAP

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

Haywood, Kenward, Bare AND ASSOCIATES, INC.
 Civil Engineering, Surveying & Planning Services
 1801 Latourette Drive, Jonesboro, AR, 72404

TEL 870-932-2019 FAX 870-932-1076

JASON H. BRANCH - SURVEYOR
 ARKANSAS - 1596

Haywood, Kenward, Bare, and Associates, Inc
 ARKANSAS - 234

CLIENT:
 TRIPLE W INVESTMENT
 COPYRIGHT 2011, ALL RIGHTS RESERVED

REVISIONS		
DATE	BY	DESCRIPTION

PROJECT NO. W039-0001-VM	
DRAWN BY JHB	CHECKED BY JHB
SHEET 1 OF 1	SCALE NOT TO SCALE
DATE 05/15/12	DRAWING NO. 57-362

REZONING VICINITY MAP

ORDINANCE NO. _____-2011

**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 I: 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 MEDIUM DENSITY DISTRICT TO (RM-8) RESIDENTIAL MULTI-FAMILY CLASSIFICATION, THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, RUN THENCE SOUTH 660 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, RUN THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT 198 FEET, RUN THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID TRACT 660 FEET TO THE NORTH LINE OF SAID TRACT, RUN THENCE WEST ALONG SAID NORTH LINE OF SAID TRACT 198 FEET TO THE POINT OF BEGINNING, CONTAINING 3.0 ACRES, MORE OR LESS.

TOGETHER WITH:

ALL OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST, LESS THE WEST 198 FEET THEREOF, AND LESS THE EAST 254 FEET THEREOF.

SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY, OFF AND ACROSS THE SOUTH SIDE THEREOF; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD

SECTION II: 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.

PASSED AND ADOPTED this ____ day of JULY, 2012.

CITY OF JONESBORO

By: _____
Harold Perrin, Mayor

ATTESTED:

Donna K. Jackson, City Clerk



Legislation Details (With Text)

File #:	ORD-12:037	Version:	1	Name:	Abandonment of a right of way on McClure Street
Type:	Ordinance	Status:		Status:	First Reading
File created:	7/3/2012	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE TO VACATE AND ABANDON A PORTION OF MCCLURE STREET RIGHT-OF-WAY LOCATED IN FLINT'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS, CRAIGHEAD COUNTY, JONESBORO, ARKANSAS, AS REQUESTED BY BEST CONVEYORS				
Sponsors:					
Indexes:	Abandonment				
Code sections:					
Attachments:	Abandonment documents Plat Aerial photo Planning & Engineering Letters				

Date	Ver.	Action By	Action	Result
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title

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF MCCLURE STREET RIGHT-OF-WAY LOCATED IN FLINT'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS, CRAIGHEAD COUNTY, JONESBORO, ARKANSAS

body

WHEREAS, a petition was duly filed with the City of Jonesboro, Arkansas on the 5th day of June, 2012, asking the City Council to vacate and abandon a portion of McClure Street Right-of-Way located in Flint's Addition to the City of Jonesboro, Arkansas, now appearing of record in Plat Cabinet "B" Page 140 in the office of the recorder of Craighead County, Arkansas; AND

WHEREAS, after due notice as required by law, the City Council has, at the time and place mention in the notice, heard all persons desiring to be heard on the questions and has ascertained that the portion of the right-of-way described herein has been dedicated to the public use; has not been used by the public generally; that the only parties having an interest in property abutting the portion of the right-of-way to be vacated are the Petitioner, City Water and Light Plant of Jonesboro, Arkansas and the City of Jonesboro and that City Water and Light Plant of Jonesboro, Arkansas consents to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the portion of the right-of-way described herein.

NOW, THEREFORE, 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 the part of McClure Street Right-of-Way located at 603 Burke Avenue and described as follows:

DESCRIPTION:

That part of McClure Street Right-of-Way, lying North of Burke Avenue, west of coincident with the West line

of Best Diversified Products Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas and being more particularly described as follows:

Beginning at the Southwest corner of Best Diversified Products, Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas, said point being the intersection of the East Right-of-Way line of McClure Street and the North Right-of -Way line of Burke Avenue; thence North 00 degrees 28'28" East, along the East Right-of-Way of McClure Street, 12.87 feet to the point of beginning proper; thence North 89 degrees 31'32" West 2.00 feet, thence North 00 degrees 28'28" East 52.13 feet; thence South 89 degrees 31'32" East 2.00 feet, to the East Right-of-Way line of McClure Street; thence South 00 degree 28'28" West along said Right-of-Way line 52.13 feet, to the point of beginning proper, containing 104.26 square feet, more or less; being subject to all right-of-way and easements of record.

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.

SECTION THREE: This ordinance shall take effect and be in force from and after its passage.

JIM LYONS
jlyons@leclaw.com

ZAC BAKER
zbaker@leclaw.com

Lyons & Cone, P.L.L.C.

ATTORNEYS AT LAW
407 SOUTH MAIN
P O BOX 7044
JONESBORO, ARKANSAS 72403-7044
870-972-5440 • FAX: 870-972-1270

MIKE CONE
mikecone@leclaw.com

DAVID TYLER
dtyler@leclaw.com

June 6, 2012

HAND DELIVERED

Mr. Otis Spriggs
MAPC Planning
307 Vine St., Suite 103
Jonesboro, AR 72401

Re: Best Conveyors, LLC - right of way
abandonment


Dear Mr. Spriggs:

Please find enclosed the following regarding the above referenced matter:

1. Application Form;
2. Check in the amount of \$833.95 for publication costs;
3. Utility Release;
4. Vicinity Map;
5. Recorded Plat;
6. Legal Description;
7. Petition to Vacate Form;
8. Resolution; and
9. Ordinance

If you have any questions or problems or need any additional information in order to complete this application, please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,


Jim Lyons

JL/sc

Enclosures



Easement / Street/ Alley Abandonment

Application Form

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the City Council agenda until the application is completed and required information provided.

Property Information	Address <input type="text" value="630 Burke Avenue"/>		Project Information	Select the property type being vacated:	
	Attach legal description of property to this application. May be found on warranty deed or current survey of property.			<input type="checkbox"/> Alley	<input type="checkbox"/> Utility Easement
			<input type="checkbox"/> Cross Access Easement		

Owner	Name	<input type="text" value="Best Conveyors, LLC"/>	Phone	<input type="text" value="870-935-0970"/>	<input type="checkbox"/> Select if this is the primary contact
	Address	<input type="text" value="107 Flint Street"/>	Fax	<input type="text"/>	
	City, State, Zip	<input type="text" value="Jonesboro, AR 72401"/>	E-mail	<input type="text"/>	

Applicant/ Representative	Name	<input type="text" value="Lyons & Cone, P.L.C."/>	Phone	<input type="text" value="870-972-5440"/>	<input checked="" type="checkbox"/> Select if this is the primary contact
	Address	<input type="text" value="P.O. Box 7044"/>	Fax	<input type="text" value="870-972-1270"/>	
	City, State, Zip	<input type="text" value="Jonesboro, AR 72403"/>	E-mail	<input type="text" value="jlyons@leclaw.com"/>	

Applicant/Representative: I certify that the foregoing statements and answers herein made all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Lyons & Cone P.L.C.
✓ *[Signature]*

Date: 6/5/12

Property Owner/Authorized Agent: I certify that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf).

Best Conveyors, LLC
✓ *[Signature]*
Title: *Vice President / General Manager*

Date: 6/5/12

Note: The samples provided in this packet only to assist proponents in preparing the required documents. Proponents should satisfy themselves as to the legal sufficiency for their specific use in accordance with Arkansas State Code, Section 14-301 which regulates the abandonment of public easements and rights of ways.

Staff Use Only	Date Application Submitted	Date Approved by City Engineer	Date Approved by City Planner
	Date Accepted as Complete	Legistar File No.:	Abandonment Type:

PETITION TO VACATE

PETITION TO VACATE A(N) Portion of Right-of-Way on McClure St.

LOCATED AT 630 Burke Avenue (on McClure Street) CITY OF JONESBORO, ARKANSAS.

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

We, the undersigned, being all the owners of the real estate of or adjacent (to) the portion of Right-of-Way on McClure St.
to be vacated hereinafter sought to be abandoned and vacated, lying in Block 3 of Flint's Addition to the City of
Jonesboro, Arkansas, a municipal corporation, petition to vacate an portion of Right-of-Way on McClure
which is described as follows:

That part of McClure Street Right-of-Way, lying North of Burke Avenue, west of coincident with the West line of Best Diversified Products Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas and being more particularly described as follows:

Beginning at the Southwest corner of Best Diversified Products, Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas, said point being the intersection of the East Right-of-Way line of McClure Street and the North Right-of-Way line of Burke Avenue; thence North 00 degrees 28'28" East, along the East Right-of-Way of McClure Street, 12.87 feet to the point of beginning proper; thence North 89 degrees 31'32" West 2.00 feet, thence North 00 degrees 28'28" East 52.13 feet; thence South 89 degrees 31'32" East 2.00 feet, to the East Right-of-Way line of McClure Street; thence South 00 degree 28'28" West along said Right-of-Way line 52.13 feet, to the point of beginning proper, containing 104.26 square feet, more or less; being subject to all right-of-way and easements of record.

Legal Description

That the real estate affected by said abandonment of the portion of right-of-way of McClure St. is

Location In Block 3 of Flint's Addition to the City of Jonesboro, Arkansas, a certified copy of the original plat located in the Circuit Clerk's Office for the County of Craighead, State of Arkansas, is attached hereto, and made a part hereof as though set out herein word for word.

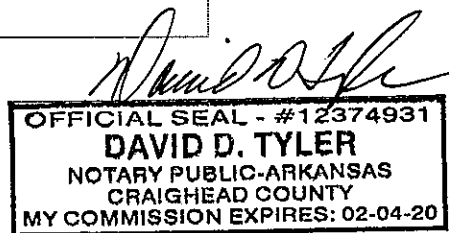
Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described portion of right-of-way on McClure St.

The petitioners recommend that the City of Jonesboro, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully recommend that the governing body of the City of Jonesboro, Arkansas, abandon and vacate the above described real estate, subject to said utility easements and as to that particular land the owner be free from the easements of the public for the use of said real property.

Dated this 5th day of June, 20 12

Best Conveyors, LLC by Scott Bridger
Printed Name Signature
Scott Bridger Scott Bridger
Printed Name Signature



Note: This sample is provided only to assist proponents in preparing the required documents. Proponents should satisfy themselves as to the legal sufficiency for their specific use in accordance with Arkansas State Code, Section 14-301 which regulates the abandonment of public easements and rights of ways.

UTILITY RELEASE FORM

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

Utility Company

City Water and Light Plant of Jonesboro, Arkansas

Date

05/29/2012

Requested Vacation

of portion of right-of-way on McClure

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

portion of right-of-way on McClure St.

Legal Description

That part of McClure Street Right-of-Way, lying North of Burke Avenue, west of coincident with the West line of Best Diversified Products Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas and being more particularly described as follows:

Beginning at the Southwest corner of Best Diversified Products, Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas, said point being the intersection of the East Right-of-Way line of McClure Street and the North Right-of-Way line of Burke Avenue; thence North 00 degrees 28' 28" East, along the East Right-of-Way of McClure Street, 12.87 feet to the point of beginning proper; thence North 89 degrees 31' 32" West 2.00 feet, thence North 00 degrees 28' 28" East 52.13 feet; thence South 89 degrees 31' 32" East 2.00 feet, to the East Right-of-Way line of McClure Street; thence South 00 degree 28' 28" West along said Right-of-Way line 52.13 feet, to the point of beginning proper, containing 104.26 square feet, more or less; being subject to all right-of-way and easements of record.

UTILITY COMPANY COMMENTS (Send release form to the applicant's provided address on **Company Letterhead**).

- 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.

Describe reasons for objection or easements to be retained

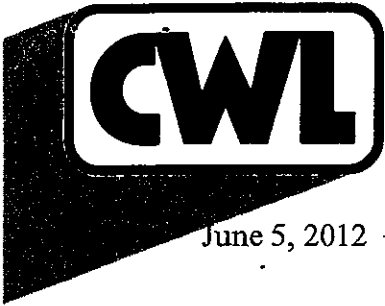
Signature of Utility Company Representative

Ron Bowen

Title

MANAGER

Note: This sample is provided only to assist proponents in preparing the required documents. Proponents should satisfy themselves as to the legal sufficiency for their specific use in accordance with Arkansas State Code, Section 14-301 which regulates the abandonment of public easements and rights of ways.



Owned by the Citizens of Jonesboro

June 5, 2012

City of Jonesboro
307 Vine St.
Jonesboro, AR 72403
Attn: Otis Spriggs, City Planning Director

Re: Road Right of Way Abandonment
A portion of McClure Street
Jonesboro, Craighead County, Arkansas

Dear Otis:

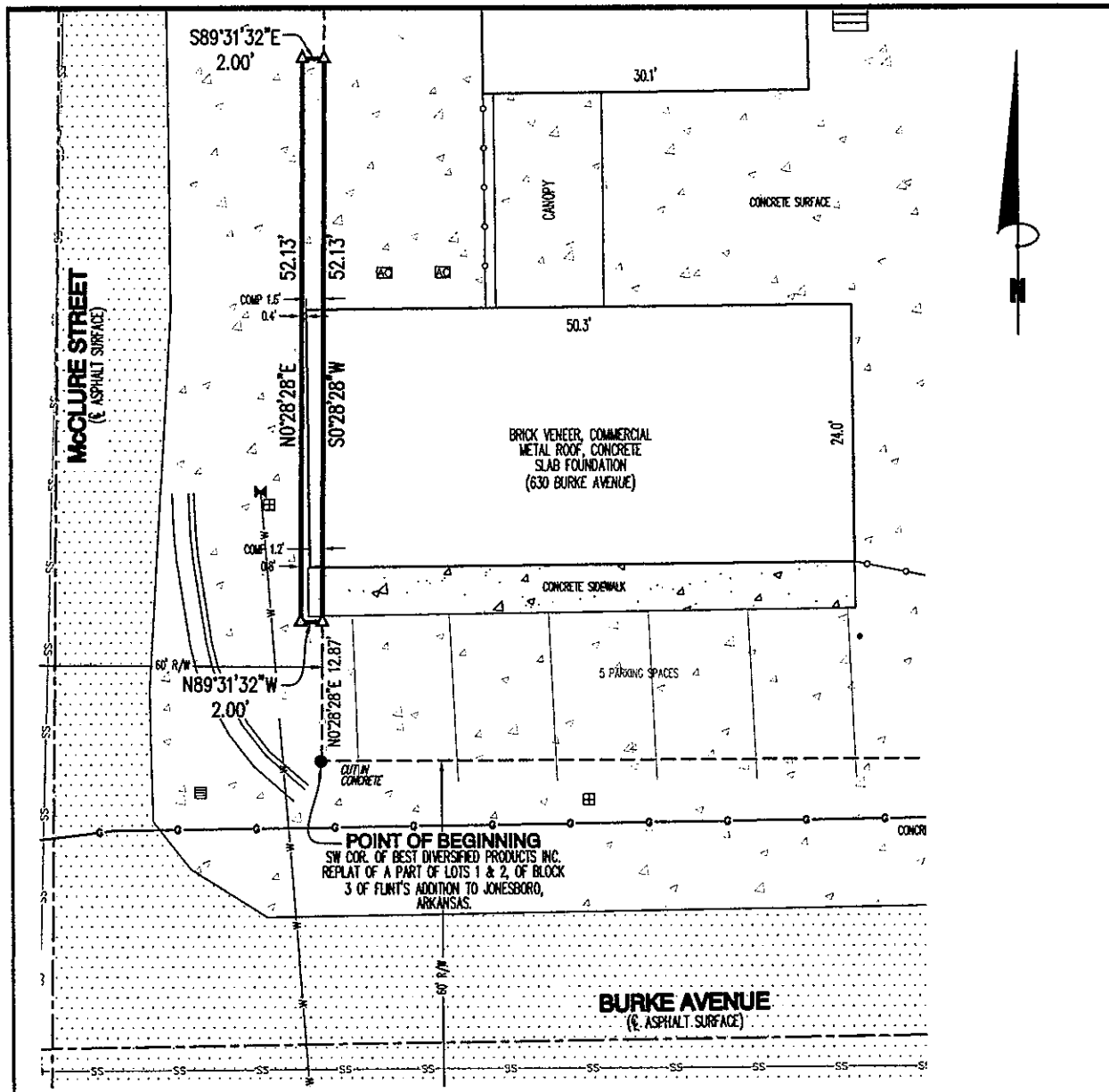
City Water and Light has no objection to the abandonment of the street right of way of the following property: That part of McClure Street Right-of-Way, lying north of Burke Avenue; west of coincident with the west line of Best Diversified Products Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas, and being more particularly described as follows: Beginning at the Southwest Corner of Best Diversified Products, Inc. Replat of Lots 1 & 2 of Block 3 of Flint's Addition to Jonesboro, Arkansas, said point being the intersection of the East Right-of-Way line of McClure Street and the North Right-of-Way line of Burke Avenue; thence North 00° 28' 28" East along the East Right-of-Way of McClure Street, 12.87 feet to the point of beginning proper, thence North 89° 31' 32" West 2.00 feet, thence North 00° 28' 28" East 52.13 feet; thence South 89° 31' 32" East 2.00 feet to the east right-of-way line of McClure Street; thence South 00° 28' 28" West along said Right-of-Way line 52.13 feet, to the point of beginning proper, containing 104.26 square feet, more or less; being subject to all right-of-way and easements of record.

Please call if you have questions or concerns.

Respectfully,

Ronald L. Bowen
Manager, City Water & Light

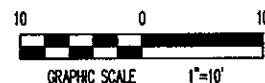
CC: Donna Jackson
P.O. Box 1845
Jonesboro, AR 72403



PARTIAL RIGHT-OF-WAY ABANDONMENT:

THAT PART OF McCLURE STREET RIGHT-OF-WAY, LYING NORTH OF BURKE AVENUE, WEST OF AND COINCIDENT WITH THE WEST LINE OF BEST DIVERSIFIED PRODUCTS INC. REPLAT OF A PART OF LOTS 1 & 2, OF BLOCK 3 OF FLINT'S ADDITION TO JONESBORO, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF BEST DIVERSIFIED PRODUCTS INC. REPLAT OF A PART OF LOTS 1 & 2, OF BLOCK 3 OF FLINT'S ADDITION TO JONESBORO, ARKANSAS, SAID POINT BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF McCLURE STREET AND THE NORTH RIGHT-OF-WAY LINE OF BURKE AVENUE; THENCE NORTH $0^{\circ}28'28''$ EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF McCLURE STREET, 12.87 FEET, TO THE POINT OF BEGINNING PROPER; THENCE NORTH $89^{\circ}31'32''$ WEST 2.00 FEET; THENCE NORTH $0^{\circ}28'28''$ EAST 52.13 FEET; THENCE SOUTH $89^{\circ}31'32''$ EAST 2.00 FEET, TO THE EAST RIGHT-OF-WAY LINE OF McCLURE STREET; THENCE SOUTH $0^{\circ}28'28''$ WEST, ALONG SAID RIGHT-OF-WAY LINE, 52.13 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 104.26 SQUARE FEET, MORE OR LESS, BEING SUBJECT TO ALL RIGHT-OF-WAY AND EASEMENTS OF RECORD.



PRELIMINARY

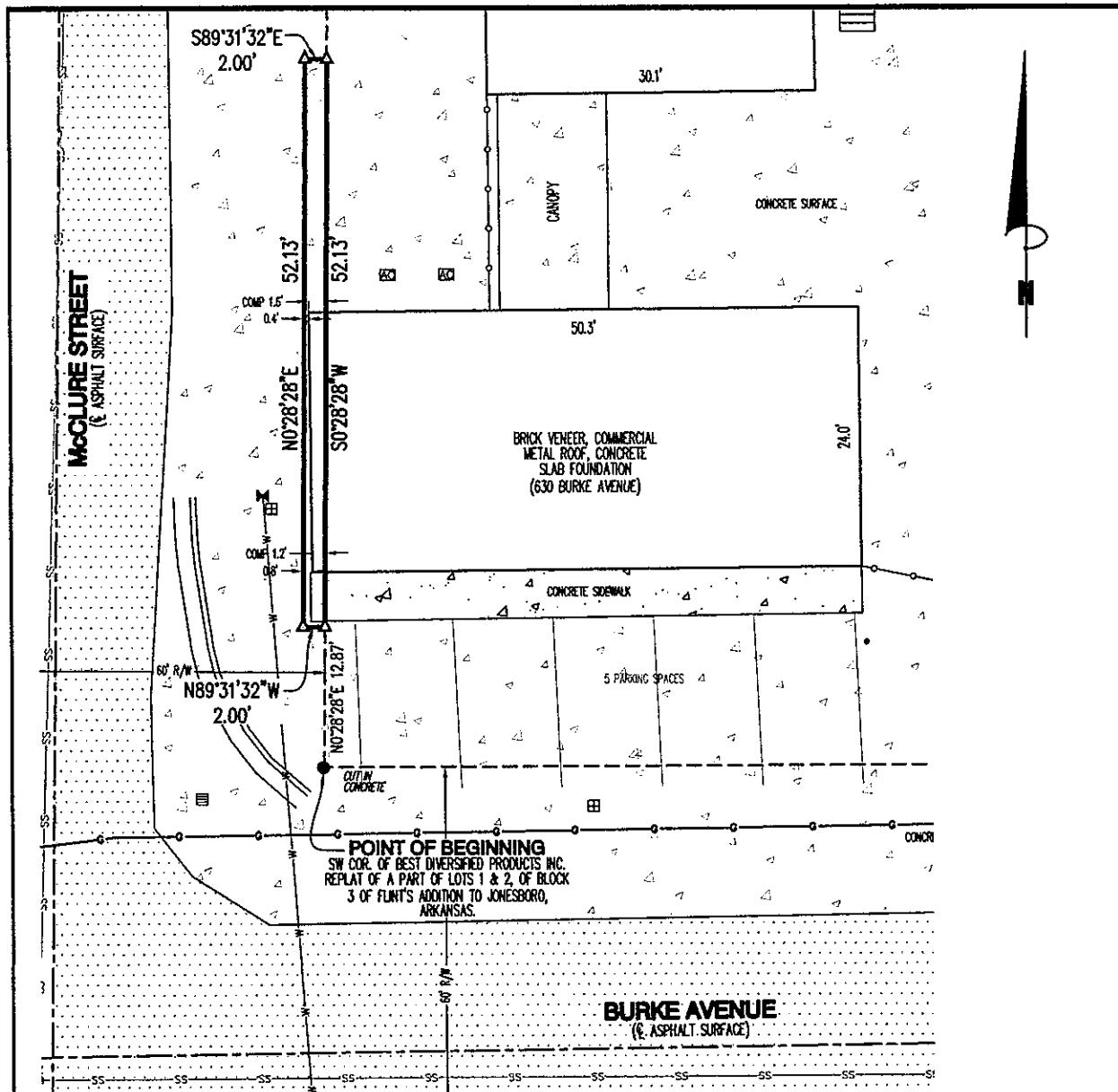
PRELIMINARY

SURVEYOR'S EXHIBIT

THAT PART OF McCLURE STREET RIGHT-OF-WAY, LYING NORTH OF BURKE AVENUE, WEST OF AND COINCIDENT WITH THE WEST LINE OF BEST DIVERSIFIED PRODUCTS INC. REPLAT OF A PART OF LOTS 1 & 2, OF BLOCK 3 OF FLINT'S ADDITION TO JONESBORO, ARKANSAS

HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.
 CIVIL ENGINEERING - SURVEYING - PLANNING
 1801 LATOURETTE DRIVE
 JONESBORO, ARKANSAS 72404
 TEL. 870-932-2018 FAX 870-932-1076

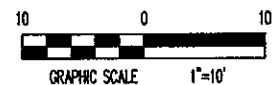
REVISIONS	
DATE	DESCRIPTION
SURVEY INDEX CODE	
PROJECT NO. B026-0002-28	
DRAWN BY JHB	CHECKED BY
SHEET 1 OF 1	SCALE 1"=10'
DATE 05/3/12	DRAWING NO. 31-65



PARTIAL RIGHT-OF-WAY ABANDONMENT:

THAT PART OF McCLURE STREET RIGHT-OF-WAY, LYING NORTH OF BURKE AVENUE, WEST OF AND COINCIDENT WITH THE WEST LINE OF BEST DIVERSIFIED PRODUCTS INC. REPLAT OF A PART OF LOTS 1 & 2, OF BLOCK 3 OF FLINT'S ADDITION TO JONESBORO, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF BEST DIVERSIFIED PRODUCTS INC. REPLAT OF A PART OF LOTS 1 & 2, OF BLOCK 3 OF FLINT'S ADDITION TO JONESBORO, ARKANSAS, SAID POINT BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF McCLURE STREET AND THE NORTH RIGHT-OF-WAY LINE OF BURKE AVENUE; THENCE NORTH 00°28'28" EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF McCLURE STREET, 12.87 FEET, TO THE POINT OF BEGINNING PROPER; THENCE NORTH 89°31'32" WEST 2.00 FEET; THENCE NORTH 00°28'28" EAST 52.13 FEET; THENCE SOUTH 89°31'32" EAST 2.00 FEET, TO THE EAST RIGHT-OF-WAY LINE OF McCLURE STREET; THENCE SOUTH 00°28'28" WEST, ALONG SAID RIGHT-OF-WAY LINE, 52.13 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 104.26 SQUARE FEET, MORE OR LESS; BEING SUBJECT TO ALL RIGHT-OF-WAY AND EASEMENTS OF RECORD.



PRELIMINARY

PRELIMINARY

CLIENT
BEST CONVEYORS,

SURVEYOR'S EXHIBIT

THAT PART OF McCLURE STREET RIGHT-OF-WAY, LYING NORTH OF BURKE AVENUE, WEST OF AND COINCIDENT WITH THE WEST LINE OF BEST DIVERSIFIED PRODUCTS INC. REPLAT OF A PART OF LOTS 1 & 2, OF BLOCK 3 OF FLINT'S ADDITION TO JONESBORO, ARKANSAS

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REVISIONS	
DATE	DESCRIPTION
SURVEY INDEX CODE	
PROJECT NO. B026-0002-28	
DRAWN BY JHB	CHECKED BY
SHEET 1 OF 1	SCALE 1"=10'
DATE 05/3/12	DRAWING NO. 31-65



Culberhouse

McClure

Burke

Burke

McClure

Flint



June 8, 2012

Best Conveyors, LLC
107 Flint St
Jonesboro, AR 72401

RE: McClure Street Row Abandonment

The City of Jonesboro Engineering Department concurs with the abandonment of the 2.0' x 52.13' rights-of-way of McClure Street as described on the drawing provided by Haywood, Kenward, Bare & Associates, Inc. drawing no. 31-65.

If you have any questions or comments please feel free to contact me at the above reference number.

Sincerely,

Craig Light, PE CFM
City Engineer



PLANNING & ZONING DEPARTMENT

307 Vine Street
Jonesboro, AR 72401
(870) 932-0406 Voice
(870) 336-3036 Fax
www.jonesboro.org

June 26, 2012

Best Conveyors, LLC
107 Flint St.
Jonesboro, AR 72403

Re: Abandonment of 2'-0" X 52.13' R.O.W. of McClure St.

To Whom It May Concern,

The City of Jonesboro Planning Department has received your request to abandon the right of way of McClure St. as described on the petition and drawings provided by your representatives- Attorney Jim Lyons and Haywood, Kenward, Bare & Associates.

The Planning Department has no objection to this abandonment request and it will not cause any further incompliance with the Zoning or Subdivision Regulations. The building setback currently constitutes an as-built situation that was grandfathered-in.

If you require any additional information, please advise us at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Otis T. Spriggs".

Otis T. Spriggs AICP
Planning Director, City Jonesboro, AR



Legislation Details (With Text)

File #: ORD-12:038 **Version:** 1 **Name:** Rezoning by Frank Springle
Type: Ordinance **Status:** First Reading
File created: 7/11/2012 **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-2 TO RM-12 LUO FOR PROPERTY LOCATED AT 800 HESTER STREET AS REQUESTED BY FRANK SPRINGLE
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
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title
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;
body
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-2
TO: Residential, RM-12, LUO, Multi-Family, 12 Units Per Acre, Limited Use Overlay (LUO)

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

Lots 1 and 2 of Frank Springle Minor Plat of part of the Northeast Quarter of the Northwest Quarter, Section 24, Township 14 North, Range 3 East, Jonesboro, Arkansas,

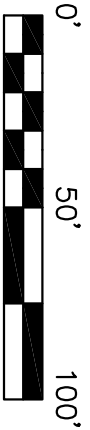
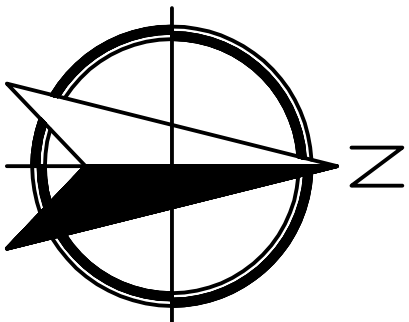
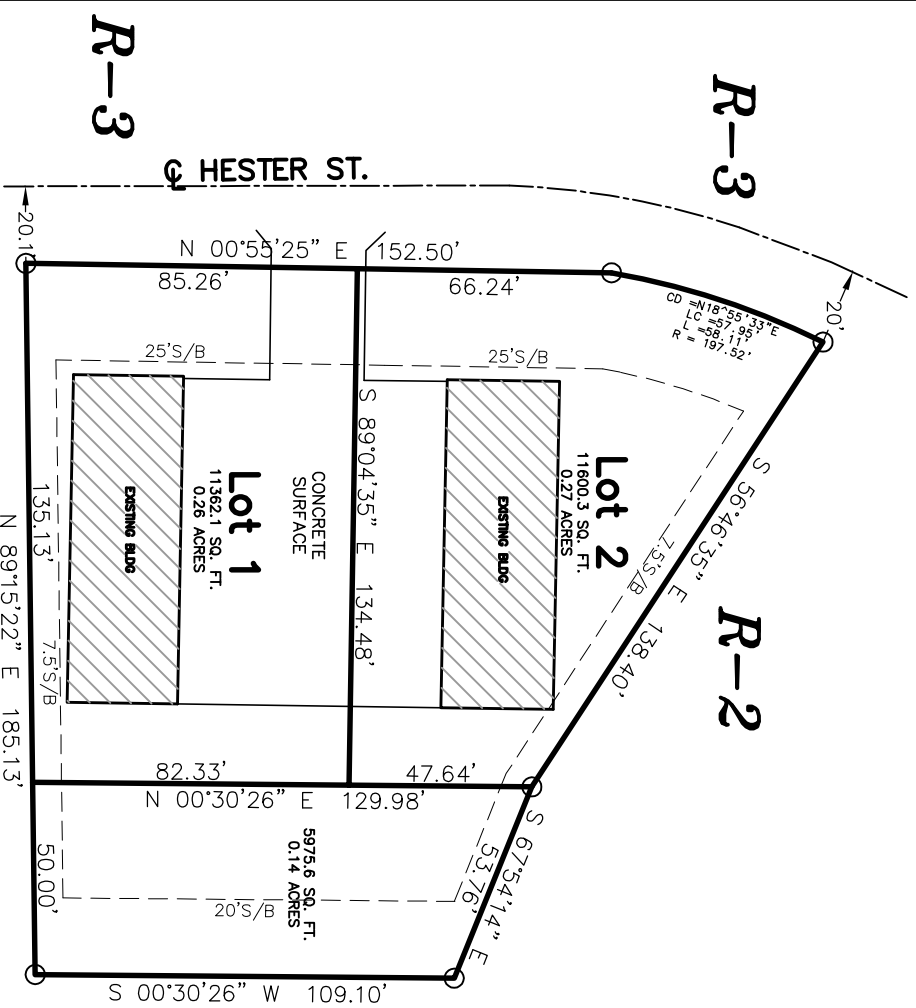
AND

A part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 14 North, Range 3 East, more particularly described as follows:
Beginning at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 24 aforesaid; thence South on the 1/16th Section Line 475.6 feet; thence East, parallel to the south Section Line 376.1 feet to the POINT OF BEGINNING PROPER; thence East, parallel to the south Section Line 50 feet; thence North

parallel to the 1/6th Section Line 109.1 feet to the South Right-of-Way line of Christian Creek Drainage ditch; thence North 60°21' West along said South Right-of-Way line approximately 55 feet to a point due north of the point of beginning; thence South parallel to the 1/6th Section Line approximately 130 feet to the POINT OF BEGINNING, said lands being located in Craighead County, Arkansas.

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

- 1) A maximum of eight (8) units are to be placed on the overall parcel.
- 2) The proposed development shall satisfy all requirements of the City of Jonesboro, including Planning Department, Engineering Department, including satisfaction of all requirements of the current Stormwater Drainage Design Manual, Flood Plain Development, and Building Inspection Department, and shall be submitted to the City of Jonesboro for staff review and approval.
- 3) That prior to any issuance of Certificate of Occupancy, all requirements stipulated by all City, State and Local agencies shall be satisfied.
- 4) Compliance with the Master Street Plan, including filing of a replat of the land into a single parcel.
- 5) Fencing as collectively determined between the owner and the City of Jonesboro.



LEGAL DESCRIPTION:

Lots 1 and 2 of Frank Springle Minor Plat of part of the Northeast Quarter of the Northwest Quarter, Section 24, Township 14 North, Range 3 East, Jonesboro, Arkansas,

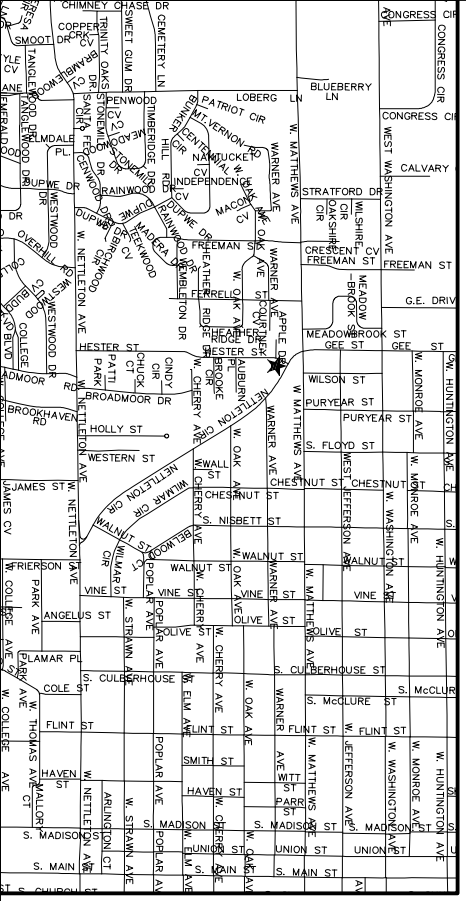
AND

A part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 14 North, Range 3 East, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 24 aforesaid; thence South on 1/16th Section line 475.6 feet; thence East parallel to South Section line 376.1 feet to the point of beginning proper; thence East parallel to South Section line 50 feet; thence North parallel to 1/16th Section line 109.1 feet to the South right-of-way line of Christian Creek Drainage Ditch; thence North 60 degrees 21' West along said South right-of-way line approximately 55 feet to a point due North of the point of beginning; thence South parallel to 1/16th Section line approximately 130 feet to the point of beginning, said lands being located in Craighead County, Arkansas.

CERTIFICATE OF SURVEY:

To all parties interested in Title to these premises: I hereby certify that I have prior to this day made a survey of the above described property as shown on the Plat of Survey hereon. The property lines and corner monuments, to the best of my knowledge and ability, are correctly established: the improvements are as shown on the Plat of Survey. Encroachments, if any, as disclosed by Survey, are shown hereon.

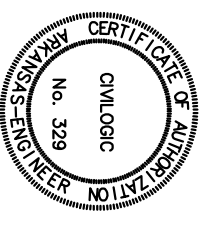
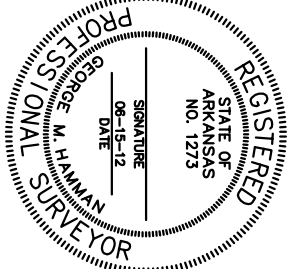
**EXISTING R-2 ZONING
REQUESTED RM-12 L.U.O.**



NOTES:

- 1) THIS SURVEY AND PLAT ARE THE PROPERTY OF THE SURVEYOR AND ARE INTENDED FOR THE SOLE USE AND BENEFIT OF THE SURVEYOR & CLIENT.
- 2) BEARINGS BASED ON GPS OBSERVATION.
- 3) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1" IN 87,000'.
- 4) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES LEGAL DESCRIPTION PROVIDED AND PREVIOUS SURVEYS.
- 5) ALL PINS SET ARE 2" REBAR, UNLESS NOTED OTHERWISE.
- 6) OWNER: FRANK SPRINGLE
- 7) FLOOD PLAN: THIS TRACT DOES LIE WITHIN THE 100-YR FLOOD PLAN PER FLOOD INSURANCE RATEMAP OF CRAIGHEAD CO, ARK, AND INCORPORATED AREAS, COMMUNITY PANEL NO. 05031C0131 C, DATED 09/27/91.

ENGINEERS		PLANNERS		SURVEYORS	
203 Southwest Dr., Jonesboro, AR - (870)932-7880 - www.civilogic.net					
REZONING PLAT 800 HESTER ST. FOR MR. FRANK SPRINGLE JONESBORO, ARKANSAS					
Date	Scale	Job No.	Sheet No.		
06-15-12	1"=50'	112062	1 of 1		
Section	Township	Range	County		
24	14N	03E	CRAIGHEAD		
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES					
© 2012, Civilogic			Drawn By: RE	Checked by: GH	



City of Jonesboro City Council
Staff Report – RZ 12-11: 800 Hester St.
Huntington Building - 900 W. Monroe
For Consideration by the Council on July 17, 2012

REQUEST: To consider a rezoning of a parcel of land containing 0.66 acres more or less.

PURPOSE: A request to consider a recommendation by the MAPC to City Council for a rezoning from R-2 Single Family Residential to RM-12 L.U.O. to allow for 1-duplex building.

**APPLICANT/
OWNER:** Frank Springle, 1601 Paragould Dr. Jonesboro AR 72401

LOCATION: 800 Hester St., West of Gee Street.

**SITE
DESCRIPTION:** Tract Size: Approx. +/- 0.66 acres, +/- 28,938 sq. ft.
Frontage: 210.6' ft. +/- along Hester St.
Topography: flat
Existing Development: vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial/Christian Creek
South:	R-2	Single Family
East:	R-2	Single Family
West:	R-3	Single-Family/Apartments

HISTORY: None

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Residence Transitional. The proposed rezoning is consistent with the land use map with the proposed multi-family.

Approval Criteria- Section 117-34- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

- (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;
- (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
- (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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served Hester St. the Master Street Plan defines the road as a collector which has a right of way totaling 40ft. from center of road (20’ shown on plat). The plat is lacking the required 80’ right of way; this is asked of the applicant and would reduce the rezoning acreage.

Zoning Code Compliance Review:

The applicant is requesting a change as a RM-12 L.U.O. Multi-Family Residential District, staff met with the applicant to evaluate various options for the petition. The property is surrounded by a varying housing stock, including several condominiums and numerous single family homes and apartments.

If approved, the development will net 8 apartments (3 buildings). Current R-2 Zoning will only allow one building per legal lot requiring (3,600 sq. ft. per unit). Total density of all three tracts will allow approximately 8.0 units (gross density). The applicant is proposing the RM-12 L.U.O. District on the site with the existing private driveway for access.

Staff has discussed possible approaches to this development such as the Limited Use Overlay. In terms of the proposed density, the site appears to have some challenges with an abutting flood plain as well as a tremendous amount of impervious surface as compared to interior landscaping. A concept layout configuration should be included with the Limited Use Overlay to assure that the site will function in terms of emergency access and circulation. A landscaping plan will be important in considering the added structure.

RM-12 Zoning District

Requires 3,630 s.f. per unit = Gross units permitted: 8 apartment units (will be reduced if additional right of way is dedicated).

Front Setback: 25 ft.

Side: 15 ft.

Rear: 20 ft.

Multi-family Structures over one story or 15ft in height shall have an additional 8 ft. side and rear setback for every additional story or 15ft. in building height.

Parking required: 1.75 spaces per 1-bedroom units; 2.25 spaces per 2-bedroom units; required, spaces provided.

Buffering/Screening:

All dumpster locations shall be properly shielded and screened per Section 117-326 of the Jonesboro Code of Ordinances: Perimeter privacy fencing or solid landscaped buffering should be considered to minimize impact on abutting single family residences. Exterior lighting shall be designed to minimize light spilling onto surrounding residential properties.

MAPC RECORD OF PROCEEDINGS: Public Hearing 7/10/2012:

Applicant:

Mr. George Hamman, Civilogic stated that he prepared the plat of the lot on Hester Street. This is part of Christian Creek and Gee Street area. There are two existing buildings- 3 units in each. The owner wants to purchase the additional ground behind the existing units and add one more duplex on the rear. He has garages on the first floor and the apartment units above.

He concurred with the Staff conditions and asked for staff approval of the final site plan instead of bring it back to the MAPC. Regarding No. 5, these 6 units have been there for 10 years, and there is no need for fencing. MAPC concurred that the fencing did not need to occur in the front.

Mr. Hamman added that the lighting will only be installed on the garages.

Staff: Mr. Thomas White gave the Staff Summary Report and staff findings as noted above. He also noted the challenges with the abutting floodway.

Mr. George Hamman stated that regarding the floodway he would have to stay at least 10 feet away. The new building will be designed the same as the existing.

Mr. Joe Tomlinson made note of the Master Street Plan recommendations and that it will require the right-of-way for an arterial - that needs to be understood.

Mr. George Hamman agreed and noted that they would leave setbacks as-is and move right away accordingly.

Mr. Jerry Reece – Is that close to spot zoning? **Mr. George Hamman** stated that it was similar to R-3 that we have across the street.

No Public Input or Opposition Present.

Motion was made by Mr. Scurlock; 2nd by Mr. Tomlinson to recommend approval to City Council. The motion PASSED by the following vote: Vote 6 to 0 to recommend approval to City Council.

Aye: 6 – Mr. Jim Scurlock, Mr. Joe Tomlinson; Mr. Paul Hoelscher; Mr. Ron Kelton; Ms. Kim Elmore; Mr. Reece. **Chair:** Mr. Lonnie Roberts

Absent: 2 – Mr. Brian Dover, Ms. Beverly Nix

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Frank Springle, should be evaluated based on the above observations and criteria, of Case RZ 12-11 noted above, a request to rezone property from “R-2” to “RM-12” L.U.O., Multi-Family Residential District- Max. 8 Units. The following conditions of any approval should be included:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the density shall not exceed 8 units per acre with a maximum of 8 units.
3. That a future site development plan be submitted and reviewed by the Staff as RM-12 L.U.O.
4. The applicant agrees to comply with the Master Street Plan recommendations for Hester St. right-of-ways.
5. Fencing details depicting screening shall be implemented in the rear of the proposed site as approved by the MAPC.
6. A lighting photometrics plan shall be submitted with the building permit application to assure no lighting spillage onto abutting properties.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking East of subject property.



View looking East towards proposed duplex location.



View looking North of subject property.



View looking South along Hester St. (subject site).



View looking South of subject property from Gee St.



View looking Northwest of rear property (along Christian Creek).



View looking North of subject property (rear acreage).



View looking South of proposed duplex site.



Legislation Details (With Text)

File #:	ORD-12:039	Version:	1	Name:	Rezoning by the City of Jonesboro
Type:	Ordinance	Status:		Status:	First Reading
File created:	7/12/2012	In control:		In control:	City Council
On agenda:		Final action:		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 FOR PROPERTY LOCATED AT 4216 STADIUM BLVD., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.				
Sponsors:					
Indexes:	Rezoning				
Code sections:					
Attachments:	Plat MAPC Report				

Date	Ver.	Action By	Action	Result
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title
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 4216 STADIUM BLVD., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

body
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION I: 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 DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY:

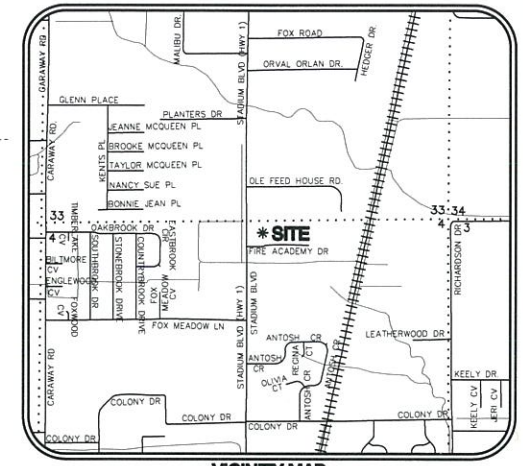
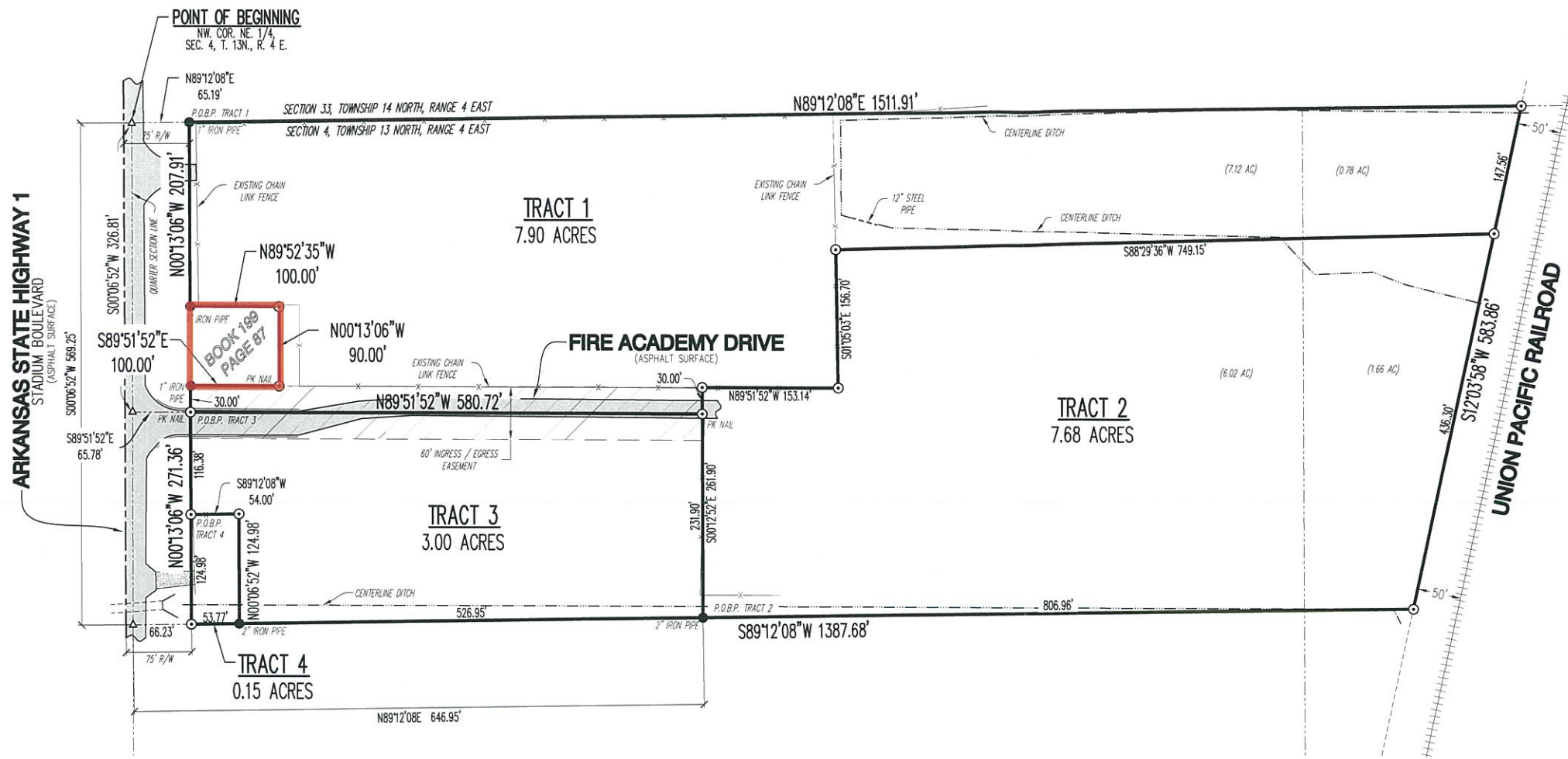
LEGAL DESCRIPTION:

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING A POINT 296.7 FEET SOUTH 00° 41' WEST OF NORTH QUARTER CORNER SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, THENCE SOUTH 89° 04' EAST, 65.8 FEET TO POINT OF BEGINNING PROPER, THENCE SOUTH 89° 04' EAST 100.0 FEET ALONG CHAIN LINK FENCE TO A 3/4" IRON PIPE, THENCE NORTH 00° 41' EAST, 90.0 FEET TO A 3/4" IRON PIPE; THENCE NORTH 89° 04' WEST, 100.0 FEET TO A 3/4" IRON PIPE IN EAST RIGHT OF WAY LINE OF STATE HIGHWAY 1, THENCE SOUTH 00° 41' WEST, 90.0 FEET TO POINT OF BEGINNING PROPER CONTAINING 9,000.0 SQUARE FEET MORE OR LESS.

SECTION II: THE REQUESTED REZONING CLASSIFICATION IS C-3 -GENERAL COMMERCIAL

AND IS SUBJECT TO MAPC SITE PLAN APPROVAL OF ANY REDEVELOPMENT.

SECTION III: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, IN SO FAR AS IT RELATES TO THE LAND DESCRIBED HEREIN ABOVE SO THAT THE ZONING CLASSIFICATION OF SAID LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.



VICINITY MAP
(NOT TO SCALE)

GRID NORTH: ARKANSAS STATE PLANE NORTH ZONE (0301),
35°48'03.0477" N, 90°40'56.7665" W,
CON. 0.76620, C.A.F. 0.99993461



CERTIFICATE OF SURVEY:

THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE & ASSOCIATES INC., PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED THE FOLLOWING PARCELS OF LAND.

TRACT 1:

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST; JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 89°12'08" EAST, ALONG THE NORTH LINE OF SAID SECTION 4, 65.19 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1, THE POINT OF BEGINNING PROPER; THENCE CONTINUE NORTH 89°12'08" EAST, ALONG SAID NORTH LINE, 1511.91 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 12°03'58" WEST, ALONG SAID RIGHT OF WAY LINE, 147.56 FEET; THENCE SOUTH 88°29'36" WEST, DEPARTING SAID RIGHT OF WAY LINE, 749.15 FEET; THENCE SOUTH 01°05'03" EAST, 156.70 FEET; THENCE NORTH 89°51'52" WEST, 153.14 FEET; THENCE SOUTH 00°12'52" EAST, 30.00 FEET; THENCE NORTH 89°51'52" WEST, 580.72 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1; THENCE NORTH 00°13'06" WEST, ALONG SAID RIGHT OF WAY LINE, 30.00 FEET; THENCE SOUTH 89°51'52" EAST, DEPARTING SAID RIGHT OF WAY LINE, 100.00 FEET; THENCE NORTH 00°13'06" WEST; 90.00 FEET; THENCE NORTH 89°52'35" WEST, 100.00 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1; THENCE NORTH 00°13'06" WEST, ALONG SAID RIGHT OF WAY LINE, 207.91 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 7.90 ACRES, MORE OR LESS; BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

TRACT 2:

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST; JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°06'52" WEST, ALONG THE QUARTER SECTION LINE, 326.81 FEET; THENCE NORTH 89°12'08" EAST, 646.95 FEET, TO THE POINT OF BEGINNING PROPER; THENCE NORTH 00°12'52" WEST, 261.90 FEET; THENCE NORTH 89°51'52" EAST, 153.14 FEET; THENCE NORTH 01°05'03" WEST, 156.70 FEET; THENCE NORTH 88°29'36" EAST, 749.15 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 12°03'58" WEST, ALONG SAID RIGHT OF WAY LINE, 436.30 FEET; THENCE SOUTH 89°12'08" WEST, 806.96 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 7.68 ACRES, MORE OR LESS; BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

TRACT 3:

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST; JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°06'52" WEST, ALONG THE QUARTER SECTION LINE, 326.81 FEET; THENCE SOUTH 89°51'52" EAST, 65.78 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1, THE POINT OF BEGINNING PROPER; THENCE SOUTH 89°51'52" EAST, DEPARTING SAID RIGHT OF WAY LINE, 580.72 FEET; THENCE SOUTH 00°12'52" EAST, 231.90 FEET; THENCE SOUTH 89°12'08" WEST, 526.95 FEET; THENCE NORTH 00°06'52" WEST, 124.98 FEET; THENCE SOUTH 89°12'08" WEST, 54.00 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1; THENCE NORTH 00°13'06" WEST, ALONG SAID RIGHT OF WAY LINE, 116.38 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 3.00 ACRES, MORE OR LESS; BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

TRACT 4:

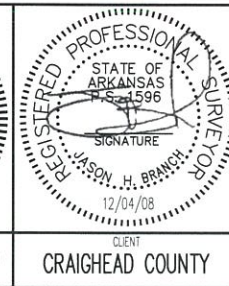
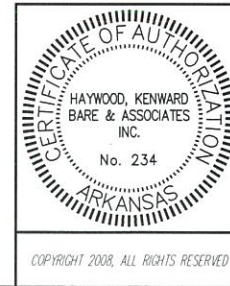
A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST; JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°06'52" WEST, ALONG THE QUARTER SECTION LINE, 326.81 FEET; THENCE SOUTH 89°51'52" EAST, 65.78 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1; THENCE SOUTH 00°13'06" EAST, ALONG SAID RIGHT OF WAY LINE, 116.38 FEET, TO THE POINT OF BEGINNING PROPER; THENCE NORTH 89°12'08" EAST, DEPARTING SAID RIGHT OF WAY LINE, 54.00 FEET; THENCE SOUTH 00°06'52" EAST, 124.98 FEET; THENCE SOUTH 89°12'08" WEST, 53.77 FEET, TO THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY NO. 1; THENCE NORTH 00°13'06" WEST, ALONG SAID RIGHT OF WAY LINE, 124.98 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.15 ACRES, MORE OR LESS; BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

SURVEYOR'S NOTES:

- THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS SURVEY:
 - PLAT OF SURVEY BY CLAY KENWARD, HKB DWG L-370, DATED 9-26-67
 - WARRANTY DEED, RECORDED BOOK 199, PAGE 87
 - LEASE AGREEMENT, RECORDED IN MISC. BOOK 38, PAGE 821-824
 - LEASE AGREEMENT, RECORDED IN MISC. BOOK 6, PAGE 394-395
 - PLAT OF SURVEY BY R.W. NEWELL, RECORDED IN BOOK H, PAGE 57, DATED 7-1-87
- MONUMENTS WERE FOUND AND ACCEPTED OR SET BASED ON PREVIOUS RECORD INFORMATION.
- BASIS OF BEARINGS: ARKANSAS STATE PLANE, NORTH ZONE (0301)
- FIELD WORK COMPLETED JUNE 17, 2008, AND FIELD NOTES ARE FILED IN HKB FIELD BOOK 1072, PAGE 40-52.

#200908200030



PLAT OF SURVEY

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.
CIVIL ENGINEERING - SURVEYING - PLANNING
1801 LATOURETTE DRIVE
JONESBORO, ARKANSAS 72404

REVISIONS	
DATE	DESCRIPTION
SURVEY INDEX CODE 500-13N-04E-0-04-400-16-1596	
PROJECT NO. C040-0003-01	
DRAWN BY JUN	CHECKED BY JHB
SHEET 1 OF 1	SCALE 1"=100'
DATE 08/20/08	DRAWING NO. 57-319

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CLIENT
CRAIGHEAD COUNTY

TEL 870-932-2019
JONESBORO, ARKANSAS 72404
FAX 870-932-1076



City of Jonesboro City Council
Staff Report – RZ 12-12: 4216 Stadium Blvd. @ Fire Academy Dr.
Huntington Building - 900 W. Monroe
For Consideration by the Council on July 17, 2012

REQUEST: To consider a rezoning of a parcel of land containing 0.2 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to C-3 General Commercial by the MAPC.

APPLICANT/OWNER: City of Jonesboro Administration, 515 W. Washington Ave., Jonesboro AR

LOCATION: 4216 Stadium Blvd. Jonesboro, AR 72401 (Northeast Corner)

SITE DESCRIPTION: Tract Size: Approx. +/- 0.2 acres, +/- 9,000 sq. ft.
 Frontage: 100' ft. +/- along Fire Academy Dr., 90' +/- Stadium Blvd.
 Topography: Flat
 Existing Development: Former Fire Station

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Former Craighead County Shop
South:	R-1	Consolidated Youth Services Juvenile Facility
East:	R-1	Former Craighead County Shop/Fire Academy
West:	C-3	John Deere

HISTORY: None

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

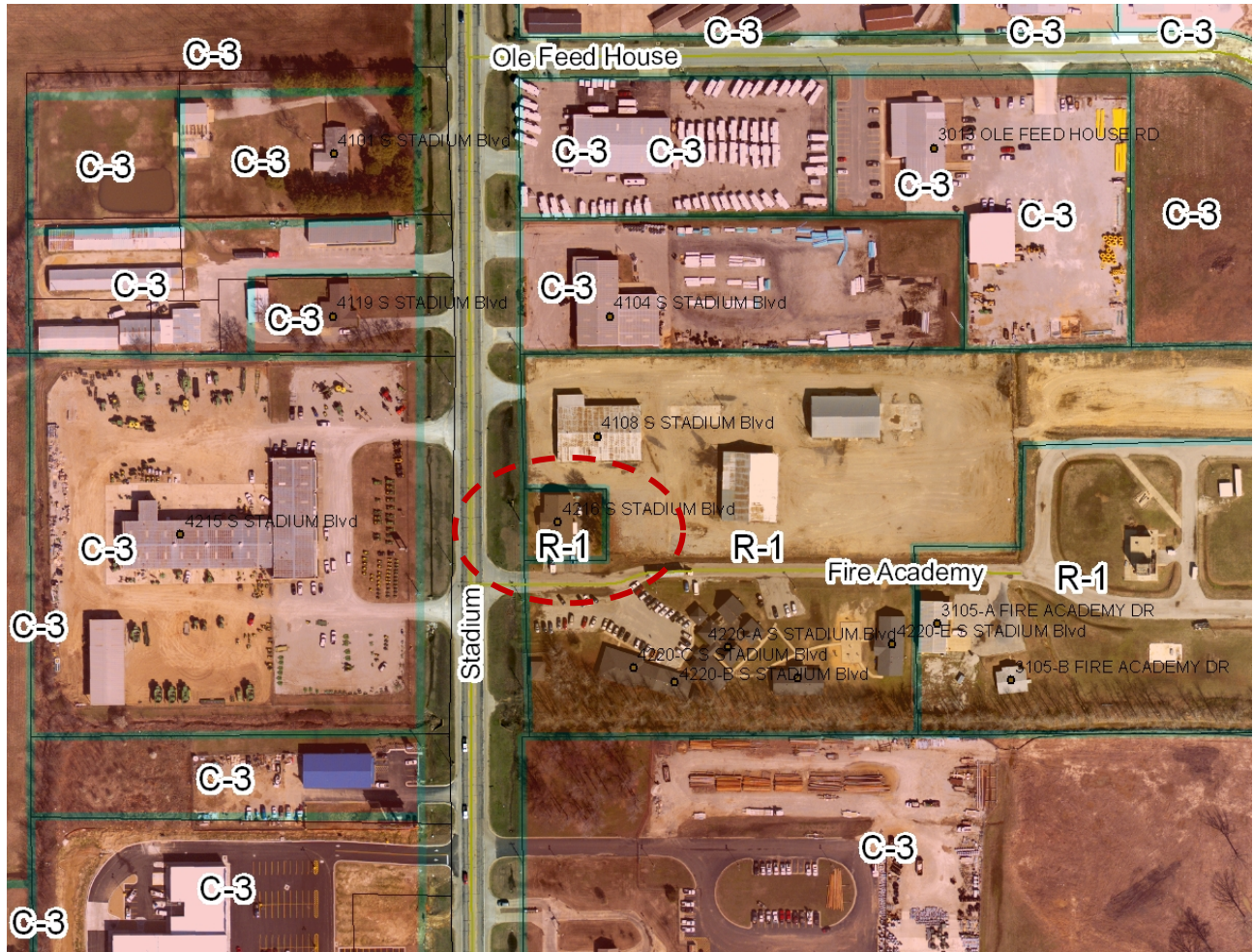
The Current/Future Land Use Map recommends this location as Public-Semi-Public and Institutional (PSI). The proposed rezoning is consistent with the land use map with the proposed Institutional Use which will be human service type use.

Approval Criteria- Section 117-34- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

- (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;
- (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
- (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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Stadium Blvd. has a right of way totaling 150ft. (Principal Arterial min. 120’) and Fire Academy Dr. has a ingress/egress easement totaling 60ft (Private Drive).

Zoning Code Compliance Review:

The applicant is requesting a change to C-3 General Commercial District and it is the desire of Consolidated Youth Services to use the facility for commercial services, educational and youth services in the near future. This was formerly the City of Jonesboro Fire Station which was permitted as a government use within an R-1 District. It is the City’s intend to sell the property to the CYS Organization upon completion of the rezoning.

The property is surrounded by a various commercial uses in the immediate area and the acreage is served by Fire Academy Dr. on which those uses are owned by the potential owner. The collective acreage will allow an excellent opportunity to create a campus environment and allow continued growth. The applicant is proposing the C-3 District on the site with a single private driveway for access.

Staff has discussed possible approaches to this development through either the Planned District Development Code or the Limited Use Overlay. This is highly recommended so that the MAPC and City Council can place necessary provisions on the development to assure the promised outcome. Staff finds the requested reasonable and consistent with the zoning of properties in the area.

C-3 Zoning District Requirements:

Requires 6,500 sq. ft. Nonresidential uses

Front Setback: 25 ft.

Side: 10 ft.

Rear: 20 ft.

Parking required: Existing Spaces Provided

Future Use Parking Requirements: Government service 1 per 300 ft.
General Office 1 per 300 ft.
General Retail/Service 1 per 250 ft.

MAPC RECORD OF PROCEEDINGS: Public Hearing 7/10/2012:

Applicant:

Staff: Mr. Thomas White gave the Staff Summary Report and noted that the City is potentially selling this property to City Youth Services who will utilize this space. They currently have an office south of the tract, and are planning on using it in its current state. If they redevelop the property, MAPC would have to review a site plan.

No Public Input or Opposition Present.

Motion was made by Mr. Reece; 2nd by Mr. Tomlinson to recommend approval to the City Council.

The motion PASSED by the following vote: Vote 6 to 0 to recommend Approval to City Council.

Aye: 6 – Mr. Jim Scurlock, Mr. Joe Tomlinson; Mr. Paul Hoelscher; Mr. Ron Kelton; Ms. Kim Elmore; Mr. Reece. **Chair:** Mr. Lonnie Roberts

Absent: 2 – Mr. Brian Dover, Ms. Beverly Nix

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by The City of Jonesboro, should be evaluated based on the above observations and criteria, of Case RZ 12-12 noted above, a request to rezone property from “R-1” to “C-3” General Commercial District. The MAPC recommends that

the petition should be approved by the City Council and will follow good land use principles. The following condition is recommended.

1. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the site.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking North from adjacent property.



View looking East towards subject property along Stadium Blvd.



View looking North from subject property frontage.



View of looking South along Stadium Blvd.



View of subject property and Fire Academy Dr.



View looking West from subject property.



View looking Northeast of subject property and additional acreage (rear).



Legislation Details (With Text)

File #:	ORD-12:033	Version:	1	Name:	Rezoning for Grayson Investments
Type:	Ordinance	Status:		Status:	Third Reading
File created:	6/6/2012	In control:		In control:	City Council
On agenda:		Final action:			
Title:	AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 3701 EAST JOHNSON AVENUE AS REQUESTED BY GRAYSON INVESTMENTS				
Sponsors:					
Indexes:	Appeal hearing, Rezoning				
Code sections:					
Attachments:	Plat MAPC Report MAPC Record of Proceedings Appeal Letter Letter to City Council - Opposition				

Date	Ver.	Action By	Action	Result
7/2/2012	1	City Council		
6/19/2012	1	City Council	Held at one reading	

title
AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES

body
WHEREAS, the following described lands located in Jonesboro, Craighead County, Arkansas, are currently zoned C-3 LUO, commercial use classification with limited use overlay (the "Property"):

The part of the southeast quarter of the northwest quarter of section 10, T14N-R4E, more particularly described as follows; commence at the center of section 10, T14N-R4E, thence west on the quarter section line 996.10 feet; thence north 330.10 feet to the point of beginning; thence east 200.00 feet; thence N 00_06'34" E 410.70 feet (record north 410.60') to the south right-of-way of Johnson Street (Hwy. 49); Thence S 58_27'51" W along said highway right-of-way 235.57 feet (record S 57_57' W 238'); thence south 287.60 feet to the point of beginning, containing 1.61 acres, more or less.

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: The Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Title 14 of the Jonesboro Municipal Code, should be, and hereby is amended so that the Property described herein shall be zoned as C-3 LUO with the existing uses as well as those set forth in Section II.

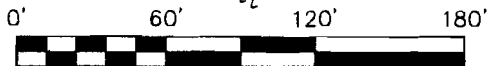
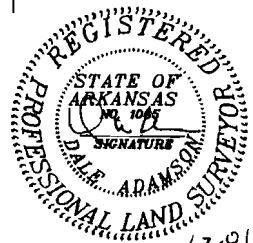
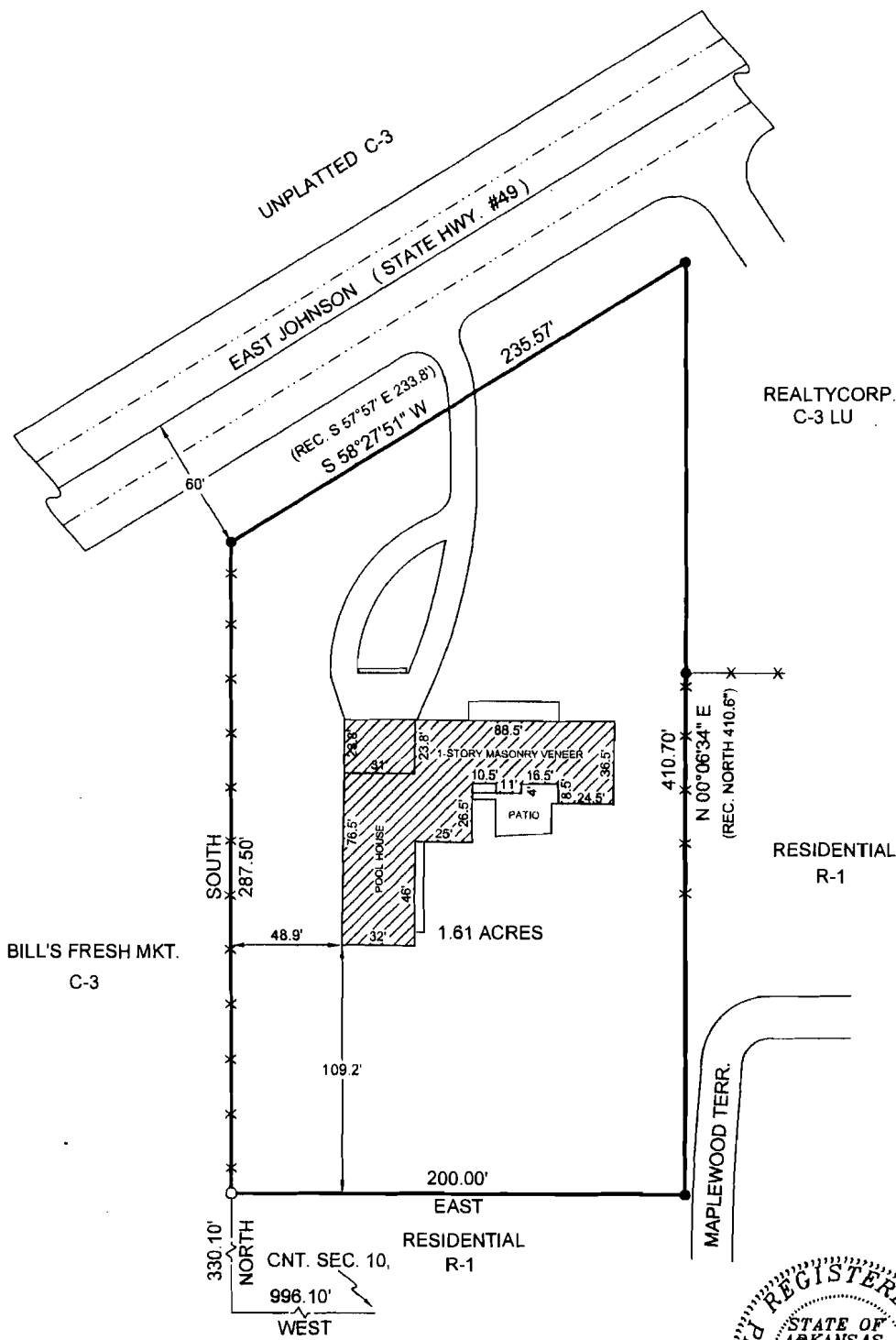
SECTION II: The following uses are hereby allowed by approval of the City Council:

- a. Animal care, general
- b. Animal care, limited
- c. Auditorium or stadium
- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- h. Communication tower
- i. Construction sales and service
- j. Convenience store
- k. Day care, limited
- l. Day care, general
- m. Funeral home
- n. Government service
- o. Hospital
- p. Hotel or motel
- q. Indoor firing range
- r. Library
- s. Medical service/office
- t. Nursing home
- u. Office, general
- v. Parking lot, commercial
- w. Parks and recreation
- x. Post office
- y. Recreation/entertainment, indoor
- z. Recreation/entertainment outdoor
- aa. Recreational vehicle park
- bb. Restaurant, fast food
- cc. Restaurant, general
- dd. Retail/service
- ee. Safety services
- ff. Vehicle and equipment sales
- gg. Vehicle repair, general
- hh. Vehicle repair, limited
- ii. Warehouse, residential (mini) storage
- jj. Vehicular and equipment storage yard
- kk. All other previously approved uses

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.

PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 10, T14N-R4E, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SECTION 10, T14N-R4E, THENCE WEST ON THE 1/4 SECTION LINE 996.10 FEET; THENCE NORTH 330.10 FEET TO THE POINT OF BEGINNING; THENCE EAST 200.00 FEET; THENCE N 00°06'34" E 410.70 FEET (RECORD NORTH 410.60') TO THE SOUTH RIGHT-OF-WAY OF JOHNSON STREET (HWY. 49); THENCE S 58°27'51" W ALONG SAID HIGHWAY RIGHT-OF-WAY 235.57 FEET (RECORD S 57°57' W 233.8'); THENCE SOUTH 287.50 FEET TO THE POINT OF BEGINNING, CONTAINING 1.61 ACRES, MORE OR LESS.



LEGEND

These standard symbols will be found in the drawing.

- SET 1/2" REBAR
- FND. PIPE
- ⊕ CALC. CORNER
- *-*- FENCE

PROPERTY ADDRESS:
3701 E. JOHNSON
JONESBORO, ARKANSAS 72401

PLAT OF SURVEY

RAY OSMENT 1203 DOVE ROAD
JONESBORO, ARKANSAS 72401

ADAMSON LAND SURVEYING, 1504 BRANCHWOOD LANE,
JONESBORO ARKANSAS, 72404 PH: 932-5900

PLAN SCALE:
1" = 60.00'

REVISION		
DATE:	04/05/2012	SHEET ONE OF ONE



City of Jonesboro City Council
Staff Report – RZ 12-06: Grayson Investments 3701 E. Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council

REQUEST: To consider a rezoning of a parcel of land containing 1.61 acres more or less

PURPOSE: A request to consider an appeal of a denial recommendation to Council for a modification to an existing “C-3 L.U.O.” General Commercial, as ordered by the Circuit Court. SEE MAPC RECORD OF PROCEEDINGS ATTACHED.

APPLICANT OWNER: Attorney Jim Lyons P.O. Box 7044 Jonesboro, AR 72403
 Grayson Investments, 1203 Dove Road, Jonesboro, AR 72401

LOCATION: 3701 E. Johnson Ave., Jonesboro, AR (Directly east of Bill’s Fresh Market

SITE DESCRIPTION: Tract Size: Approx. +/- 1.61 Acres 70,131 sq.ft.
 Frontage: Approx. 235.57’ +/- Johnson Ave.
 Topography: Flat
 Existing Development.: Single Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial
South:	R-1	Residential
East:	C-3 LUO, R-1	Eye Doctor, Residential
West:	C-3	Commercial

HISTORY: The property was denied by City Council on January 16, 2006 in a rezoning request from “R-1” to “C-3”, but was later settled in the Circuit Court of Craighead County, Arkansas, Western District Civil Division and rezoned to “C-3” L.U.O. with specific stipulations for uses and improvements (See attached Consent Judgment- Filed November 16, 2006).

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Single Family Residential. The current rezoning while inconsistent with the adopted Land Use Map, is consistent with the general area that is in major transition: and, one that serves as a Growth Node near the Hwy. 351 intersection and the new NEA Baptist Memorial Hospital. Staff recommends a map revision for this site, due to the new information, as well as the major corridor in which it fronts.

Approval Criteria, Section 117-34 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan;
- (b) Consistency of the proposal with the purpose of the zoning ordinance;
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (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;
- (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
- (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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by E. Johnson Ave./Hwy. 49 N which is a State highway and major arterial. The right of way width is 60' from centerline, as depicted on the Rezoning Plat. Staff does not anticipate additional right of way is needed for the proposed project.

Zoning Compliance:

The applicant is proposing to use the property at the highest and best use given the amount of traffic and other development along Highway 49N. However, some buffering and screening is needed for the remaining single family residence to the west of the site. This was conditioned by the Judge Order applied to this case, and the applicant plans to satisfy all buffering and screening previously mandated.

The applicant is requesting a change in the list of uses as ordered by the Judgment attached to this case. The specific list of uses by the Court (Case CV-2006-88(JF)) is as follows:

- a. Animal Care, Limited,
- b. Automated Teller Machine
- c. Bank or Financial Institutions
- d. Church (with conditional use permit)
- e. Day Care, Limited
- f. Government Service
- g. Library
- h. Medical Service/Office
- i. Office, General
- j. Utility, Minor

The following improvements were also ordered prior to Final Occupancy and will still apply:

(i) Solid fence, 8 ft. in height shall be installed along the property line adjacent to the property property zoned R-1 on the South boundary as well as that portion of the East boundary zoned, R-1; (ii) That there be a buffer zone of forty feet (40') between any structure or parking and any R-1 zoned property except as reduced in subsection (v) below; (iii), Trees a minimum of eight feet (8') in height shall be planted along the fence to provide an additional layer of screening and buffering between the Property and properties zoned R-1 adjacent to the Property; (iv) There shall be no vehicular access, from this Property to Maplewood Terrace or vice versa; and (v) The width of the buffer zone will be limited and reduced to the distance of the existing structure from the east boundary of the Property where the existing structure is located. However, if there are any exterior structural improvements that alter the size of the existing structure then the forty foot (40') buffer zone shall apply.

“...That no other, action to rezone said Property shall be necessary. However, if the City is desirous of enacting an Ordinance for this rezoning, it may do so. In the event that the City believes, claims or desires that any additional action be taken for such rezoning to be effective, the City is hereby ordered to do so.”

With this application for a Limited Use Overlay (LUO) modification, the applicant has requested and specified that the follow uses be allowed:

During the MAPC Public Hearing, Mr. Lyons presented the reduced list: (These uses are to be allowed if approved).

- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- i. Construction Sales Service
- k. Day care, limited
- l. Day care, general
- s. Medical service/office
- u. Office, general
- w. Parks and recreation
- x. Post office
- bb. Restaurant, fast food
- cc. Restaurant, general
- dd. Retail/service
- ee. Safety services
- kk. All other previously approved uses by the Court (Case CV-2006-88(JF)) is as follows:
 - Animal Care, Limited,
 - Automated Teller Machine
 - Bank or Financial Institutions
 - Church (with conditional use permit)
 - Day Care, Limited
 - Government Service
 - Library
 - Medical Service/Office
 - Office, General
 - Utility, Minor

Conclusion:

The MAPC has reviewed the requested Zone Change/modification as previously ordered as C-3 L.U.O., submitted by Grayson Investments; and, is recommending denial of Case RZ 12-06. The MAPC Record of Proceedings are attached.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking South towards Project Site



View looking North from subject property



View looking West on Johnson Ave. from drive of subject property



View looking West on Maplewood Terrace towards rear of Site



View looking North towards rear of existing home on Site



View looking North towards Johnson Ave. from Site



View from site looking West at Bills Market location



View from Property looking at Neighboring Property to the East



View Looking East on Johnson Ave. towards Bill's Market



RECORD OF PROCEEDINGS: MAPC PUBLIC HEARING HELD MAY 8, 2012

RZ 12-06: Grayson Investments, 3701 E. Johnson Ave.

A request to consider a recommendation to Council for a rezoning/modification of a "C-3 L.U.O.", General Commercial list of permitted uses.

Applicant:

Mr. Jim Lyons: Attorney- Representing Grayson Investments. Mr. Lyons presented the case noting that the property is located next to Bill's Fresh Market on E. Johnson Ave. Since the last traffic count and the most recent 2010 traffic count, approximately 25,000 cars are reflected at the point which is exactly where our property. The City of Jonesboro has done two (2) things in the recent past that will increase the likelihood of this property being commercial by: 1. *approving the NEA Baptist Memorial Hospital*; and, 2. *approving the development of the fairgrounds towards Brookland*. That has increased the traffic in this area. There is a change in the character of the neighborhood. Mr. Lyons showed slides of the current uses of the properties in the vicinity, including the rear of the property along Maplewood Terrace and properties along Highway 49N, as well as the C-3/ C-3 L.U.O. Zoning abutting.

Mr. Lyons noted the eye care facility to the east and the property underdevelopment as C-3 showing the dirt work underway in the photo to the north across E. Johnson. It is our position that this land is clearly commercial. He noted that he drove from the Ace Hardware Store and it measured 1.1 miles to Bill's Market. All of the properties are either commercial, 11 were unused and others used as residential, but those properties were for sale. He added that there were 3 or 4 properties which are currently residential, but he could not tell if it looked like one home may have been used as commercial. The rest of the properties along E. Johnson are commercial. Mr. Lyons stated that he understands that residents are opposed to this request. He understands the reason for that. When a City makes a decision to allow the building of the hospital, and makes a decision to rezone property for the fairgrounds, the result is that as Brookland grows, as Paragould grows, and Jonesboro has a substantial increase in traffic. He added that he would dare say that if we took a traffic count today, it would be at least 10% higher as a result of the development of the hospital and the other area out there. Obviously, if you continue to go past

the hospital, virtually all of those properties are also for sale, because people are going to develop those as commercial properties. He added that eventually all of the property along Johnson is going to be commercial, and he thinks that it is proper for this to be rezoned or changed as a limited use overlay- applied for to be changed for those uses of which we have asked for today.

Staff:

Mr. Spriggs gave a summary and history of the case. The former Gillespie case was applied for in December of 2005. It was acted on by the MAPC and forwarded to City Council for approval; and, it was acted on by the Council in a series of 2 meetings, denied and was litigated in the Circuit Court of Craighead County. As a part of that, Mr. Spriggs noted that he was actually hired at the same time and attended those proceedings. The judge handed down the Court Order of which you were copied- with a Rezoning to C-3 L.U.O. having specific uses and conditions. This is what is in question tonight: The applicant is petitioning a revision to that Limited Use Overlay. City Council did not follow up and rezone the property to C-3 L.U.O. by ordinance; however the rezoning remains valid with those conditions and specific uses that were listed. The applicant has requested (36 plus 10 original uses) as noted in the report. Those are your typical C-3 allowable uses, and the applicant is proposing to allow those for marketing or other reasons. Also there are specific conditions added by the court which covers screening, buffering and setbacks in proximity to existing and proposed structures. All of those are to remain in force. With the expansion of the use list, MAPC is asked to modify that order. We are dealing with process tonight; the MAPC is making a recommendation to City Council and Council will make any official decision from that point. The City Attorney's office is here to answer any questions as well as Planning Staff.

Mr. Tomlinson asked for clarity of whether we are considering a rezoning? **Mr. Spriggs** stated that this is technically a rezoning/change to an existing C-3 L.U.O. District. Any current district would be petition in this same manner to be modified. It has to go through this same process for modifications. This constitutes the same process for rezoning. **Mr. Tomlinson:** I wonder why they don't just go to the court and ask them to make the decision. **Mr. Spriggs** noted that is an option.

Mr. Jim Lyons: Before you can file an action against the City, the City has to refuse this or say we will *a, b and c*, but we will not allow *d, e and f*. We can't just file suit against the City and just say- We don't know what the City will do. It is necessary to have a true action against something claiming that it was improper what the City did. So we have to come to you first, before we can go back and ask the Court to re-do this. The City has to refuse. And, the proper method to do that, is this process. We were not trying to avoid going to Court.

Mr. Tomlinson: This was done in 2005; so, has the intensity of the area development has gone up considerably? **Mr. Lyons:** Yes, substantially. **Mr. Tomlinson:** I wish that the applicant would had derived a list of things that they desired to be there, as opposed to taking the whole C-3 ordinance, and turning it over and saying we want it all. Some of the listed uses couldn't be done anyway due to the size of lots and setbacks. **Mr. Tomlinson** added that he does think those uses need to be increased. There is a C-3 L.U.O. next door. You probably do not have as many uses as we granted them. Mr. Spriggs stated he would have the list of the property next door- I would like to see that. The minimum should be to permit what was allowed next door to you. I don't like to take all the time to write uses in the meeting. If they had submitted a list of what they would have thought to be required, then that would have been a great help to me.

Public Input:

Mr. Allen Jones, 3207 Maplewood Terrace: Agreed Highway 49N will be and is becoming commercial. At this lot, is where the commercial and residential uses intersect. And, I think the City Council recognized this in 2006 and denied the C-3 request that went to Circuit Court, who also recognized this and agreed, and allowed only the 10 restrictions. I think they got it right; I do not like the animal care use being next to residential.

Mr. Jones: I don't think that City Council can change what circuit court said; but I am not an attorney. I think that City Council should reject this, and they go back to Circuit Court to let them say you can change these accepted uses. I don't know the property owner's intent- Are they wanting to add these 27 acceptable uses to make it more attractive to a land purchaser, or is their actual intent hidden somewhere in those 27 additional or acceptable uses. I hope it is not for a communication tower or an arena. I request City Council to deny this and let Circuit Court make that decision again.

Mr. Jim Carter: 3013 Maplewood Terrace (40 Years). Stated that has a great neighborhood. Your Staff Report will show that in 2006, our neighborhood settled in Circuit Court that the property in question will be a C-3 L.U.O., with specific stipulations. At this point, there has not been anything to warrant a change in that settlement. We may talk about traffic counts, but the property in question has not been changed. The neighbors are there and it abuts a residential neighborhood that will be heard. We believe the court settlement was fair to our neighborhood, and we still feel the same way in 2012. We ask that you recommend to the City Council that the property stays as settled in Court in 2006; and, you not start peeling away one restriction at a time, so they end up with a regular C-3 out there. **Mr. Carter** added that he doesn't know the Grayson

Corporation, and they should have known that there were restrictions on the property when they purchased it. It is also a fact that will probably be given to you this evening that they really do not care how our neighborhood looks, by the way they have taken care of the property, since they have owned it.

Mr. Jerry Reece: Asked for clarification of the property- was it a part of the Maplewood Subdivision? **Mr. Carter:** Stated that he believe it was and they sold it off, lot by lot.

Mr. Lyons: Stated that if it were a part of the subdivision, then a bill of assurance would have existed. And there was no bill of assurance applied to the subject property.

Stacey Schratz, 3104 Maplewood Terrace: Referring to application Item 13: Ms. Schratz noted that the owner of Hilltop Eye Care (east of property), Doctor Megan Moll, stated that no one has discussed this with them and she objects; she could not be here.

Stacey Schratz: On the application, it says that the property purchased by the owner in 2008 was vacant and has since remained vacant. That is incorrect. She presented pictures to the MAPC. **Mr. Lyons:** Concurred that it is currently occupied. She added they are not good about keeping the property up. Other neighbors mow portions of the property, because they get tired of looking at it.

Ms. Schratz added that Mr. Osment or whoever owns this doesn't care about it. She has filed a complaint with code enforcement about having the property cleaned. She read the Rezoning Criteria for approval. She also spoke on nuisances on the property.

Wendy Jones, 3207 Maplewood Terrace read a letter from neighbors who are gone out of town- Dr. George and Phoebe Harp, **3206 Maplewood Terrace.** Spoke on increased pedestrian traffic on Maplewood Terrace. She is opposed to having access to this property from Maplewood Terrace. **Ms. Jones** made comments on the character of the neighborhood, and noted that a change of more uses is not desirable as a through-street.

Mr. Lyons: We are not asking for vehicular access to Maplewood Terrace, and there is no vehicular access from that point. On the property, we are required to build a fence where it touches residential property. There is a provision for no access to Maplewood Terrace in the request.

Mr. Reece: Isn't there a sewer easement that goes through that property and will it affect any new buildings? **Mr. Lyons** stated that it should not be an issue of interference of the sewer.

John Hatcher, 3105 Maplewood Terrace: The very issue raised about accessing through Maplewood Terrace lets us know that this affects Maplewood. Mr. Hatcher noted that he can look out his window and see the property due west of him. It is not a house that backs a residential neighborhood; it is in a residential neighborhood.

Ms. Schratz: Noted that the limitations next door is the same and is very limited.

Mr. Hoelscher: Asked what limitations were placed on the adjacent property. Mr. Spriggs continued to research the records to locate the files.

Ms. Nix: What would give us the right to rezone it legally?

City Attorney's Office, Ms. Carol Duncan reported that she did some research on that question, as well as consulted with Attorney Jim Lyons about case law he had found. Nothing was found to reflect either way. Either way we will end up, with this Commission's recommendation to City Council. **Ms. Duncan** stated that she does not feel the court wants to be in the business of rezoning our property forever. The gut instinct is that- if the City had rezoned the property by ordinance after the Court order and consistent with the Court order, there would be no question. We could have then made the decision and they could file against our decision in Circuit Court; but, we didn't do that- so the gray area exists. We will continue to research that issue upon review by Council, then the issue will be addressed; I am sure, at the Council level. There was just not any research available on that certain topic.

Mr. Kelton: It's my understanding from Mr. Lyon's presentation that he could not go back to Circuit Court, and ask for a change until a decision has been rendered by the Planning Commission and the City Council- Is that correct?

Ms. Duncan: Concurred that is what Mr. Lyons stated.

Mr. Kelton: So he is just following procedure? **Ms. Duncan** reiterated that there is no guidance in the law; this is the procedure that he and Mr. Spriggs worked out; *they are to go through the same steps as you would for any rezoning.* We are still researching the matter; I do not feel that the Court wants to be rezoning property for ever, just because litigation was filed.

Ms. Nix: Stated that she still would like a legal opinion about the process.

Ms. Duncan: You won't get a definitive answer, because there is no case law that does so; they are following the only procedure that we have available.

Mr. Lyons: If Mr. Spriggs would have said- *ya'll don't need to come here before the MAPC, then we would not be here.* You have to have a case of controversy, before you go to court. You can't just file suit for nothing. Then, there would be

a Rule 11 petition before me, because I am filing for nothing. Carol Duncan could issue sanctions against me; I've never had one filed against me. I am trying to do my job and get these additional uses on this property; and we believe that this is the proper way to do it. If a judge says that it is not, then it is not. We believe and Mr. Spriggs thought so- I still believe that we have to go through this process. The City Council must rule on that, before we will have a basis to file suit against the City. They might turn us down, but we don't know until we go and ask them by going through this process- which is coming to you, and a recommendation is made that then goes to City Council for action. We are not trying to do this for any purpose to cause any problems for the City. We are trying to make sure we follow the necessary steps, so those modifications could be acted on. I don't file suits that are not necessary.

Mr. Hoelscher: Is the issue at hand that the City was ordered to rezone the property? **Ms. Duncan:** The judge made the decision to rezone the property. **Mr. Hoelscher:** So there wasn't an ordinance filed? **Ms. Duncan:** True, and had it been filed, it would have made it clearer.

Mr. Lyons: Read the order language which said.... *no other action was necessary; if the City so desires it may* (It was not required).

Mr. Kelton: Is it possible for you to pair this list down? **Mr. Lyons** stated, yes.

Mr. Spriggs: Stated that located the conditions from the 2002 case and read them:

ORD 02:0577, Rezoning by Phillip and Lonette Byrd, Adopted 08/05/2002, C-3 L.U.O., **Specific Land Uses permitted under Ordinance 02:0577 include:**

- (1) Animal Care, Limited
- (2) Automated Teller Machine
- (3) Bank of Financial Institution
- (4) Church (with conditional use permit)
- (5) Day Care, Limited
- (6) Day Care, general
- (7) Government Service
- (8) Library
- (9) Medical Service/Office
- (10) Office, General
- (11) Safety services
- (12) Utility, Minor

At the time this property changes uses from its present R-1 use to a C-3 L.U.O. use, the following improvements shall be made prior to obtaining a Certificate of Occupancy: A wooden screening fence, eight feet in height, shall be installed along the property lines abutting property zoned R-1. Trees, a minimum of

eight feet in height , shall be planted along the fence to provide an extra layer of screening and buffering between properties zoned R-1.

Prior to further development of the subject property, a Site Development Plan meeting the requirements of Section 14.36 of the Zoning Ordinance shall be prepared and submitted for review and approval by the City's Planning Department. This plan shall specifically show the relationship of the subject property to existing and proposed streets, driveways, utilities, and buildings within a 300 foot radius of the subject property.

Mr. Scurlock: Asked for clarification on the setbacks and fencing installation.

Mr. Spriggs: Stated that the adjacent property was never redeveloped and the current owners only went before the MAPC to have living quarters remain above the Optometrist's business.

Mr. Reece: Asked: *Will the action taken here tonight be passed on to City Council for an ultimate decision?*

Mr. Spriggs: *My recommendation is that you take some action tonight and recommend to Council based on the information provided to you. I honestly feel you have enough information to make a decision.*

Mr. Kelton: Stated that following along with the 2002 conditions, he noticed that they are almost identical, such as the 8- ft. fence and the trees which mirror the Judge's conditions. He noted difficulty in the Judge's stipulation of the 40 ft. setback from any structure, parking and any R-1 property. **Mr. Spriggs** clarified that it is the proposed structure in relationship to the adjacent R-1 zoned property- which is the property line.

Mr. Lyons presented the cut-down list: (These uses are to be allowed if approved).

- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- i. Construction Sales Service
- k. Day care, limited
- l. Day care, general
- s. Medical service/office
- u. Office, general
- w. Parks and recreation
- x. Post office
- bb. Restaurant, fast food
- cc. Restaurant, general

dd. Retail/service
ee. Safety services

kk. All other previously approved uses by the Court (Case CV-2006-88(JF)) is as follows:

- Animal Care, Limited,
- Automated Teller Machine
- Bank or Financial Institutions
- Church (with conditional use permit)
- Day Care, Limited
- Government Service
- Library
- Medical Service/Office
- Office, General
- Utility, Minor

Mr. Carter: Reiterated that this is *“free/ peeling away a little at time”* and revamping what we went through before with all this. We went to Council; they denied it, and they went to court; we settled; now we come back and they are peeling away. This is like our freedom. Send this to City Council with no approval, and let us get alone about our business. What we thought was fair was fair. It’s good enough for the Hilltop Optometrist and it should be good enough for the person that bought this property.

ACTION:

Mr. Dover made a motion to approve the rezoning for property of 3701 E. Johnson as C-3 L.U.O., as stated with the narrow down list of permitted uses as proposed and make recommendation to City Council. Motion was seconded by Mr. Kelton.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Hoelscher- Aye; Mr. Kelton- Aye; Mr. Reece- Abstain; Mr. Tomlinson- Nay; Ms. Elmore- Nay; Ms. Nix- Nay; Mr. Dover- Nay.

Case Denied. 3- Aye to 4- Nay; 1- Abstain

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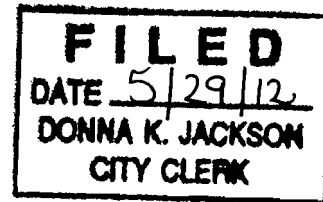
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May 29, 2012



Ms. Donna Jackson, City Clerk
515 W. Washington Ave.
Jonesboro, AR 72401

Re: Grayson Investments Rezoning
Denial; Appeal to City Council

Dear Ms. Jackson:

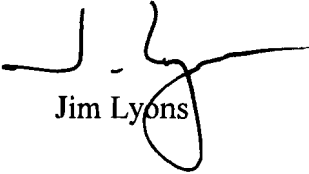
Please let this serve as notice of appeal to the Jonesboro City Council in respect to the MAPC's decision on May 8, 2012 to deny rezoning of the Grayson Investments property located at 3701 E. Johnson Avenue. Pursuant to Jonesboro City Code 2-89, "appeals to the city council of decisions of commissions and boards shall be in writing signed by the party appealing, dated and filed with the clerk within 30 days following the decision of the board and/or commission." As such, we ask that you consider this our timely filing of notice of appeal of the MAPC's decision.

We are appealing this decision for several reasons. First, the MAPC promoted commercialization of the area surrounding the Grayson Investments property by approving the rezoning of the location where the new fairgrounds campus is being constructed. In fact, the rezoning of the new fairgrounds campus was sponsored by a current MAPC voting member, Mr. Jerry Reece, who abstained from voting on the Grayson Investments matter during the May 8, 2012 MAPC meeting. It is important to note that Mr. Reece was familiar enough with the property to be aware of a sewer easement potentially running across the Grayson Investments property.

Second, but more importantly, the approval of the development of the new NEA Baptist Memorial Hospital campus has prompted numerous property owners with frontage to Johnson Avenue to place their properties up for sale as commercial property in hopes of attracting buyers interested in using their land for similar commercial development. The area is in need of properties with many different commercial uses, including ones we have attached to our appeal. We feel that this information warrants an appeal to the City Council for further consideration regarding the additional uses being requested for the Grayson Investments property.

We have attached a copy of the record, as well as a prepared ordinance, and proper fee for lodging this appeal. We are requesting our appeal be heard during the June 19, 2012 City Council meeting. Please let us know if you have any questions, or if there is anything else we can provide to make the appeal complete. Thank you.

Sincerely,



Jim Lyons

JL/sc

Enclosures

F:\WP60\JL\May 29.Grayson.Appeal.wpd

July 2, 2012

Dear Mayor Perrin and Members of the City Council,

My name is Wendy Jones. I live at 3207 Maplewood Terrace. My husband Allan is in attendance tonight but unfortunately I was not able to be there for the hearing concerning the request to add to the additions to the commercial property in question located on Johnson Avenue between Bill's Fresh Market and Hilltop Eyecare.

Allan and I bought our house on Maplewood Terrace almost three years ago. We moved back to Jonesboro six and a half years ago after being away for five years in Missouri. We love Jonesboro. And we love our home and our sweet little neighborhood. We lived with Allan's mom and dad; Henry and Julia Jones for three and a half years while we waited for our home in Missouri to sell and while we waited until the perfect home and neighborhood became available. Our two teenage boys and little girl were thrilled when we found this home. In town, yet secluded, a dead end street, and sweet and friendly neighbors. Even though Bill's Fresh Market is literally in backyard, we were at first unconcerned with the goings-on. After being in residence for a time, it became clear having this kind of commercial development this close poses challenges to the peacefulness of a neighborhood. Trash trucks; come and go, delivery trucks, car and store alarms, teenage parties, parking lot cleaner trucks, even a gunfight not too long ago have strained our ability to relax at home at times.

With that said, and having been through the experience, all is tempered at least by a chain link fence, a privacy fence, and some trees for screening and the fact remains; we love our house. I am writing and requesting that you will agree that enough is enough! I implore you to please help retain the integrity of our established and beloved neighborhood. At least help retain what is left of it. And help to spare our neighbors who would border the property in question with the headaches that we endure.

At the crook of the lane at Maplewood Terrace is the backend of the parcel Grayson Investments wishes to sell to perhaps a fast food restaurant, a private club, or maybe an indoor shooting range or a pet lodging facility where dogs would undoubtedly spend the wee hours of the night barking and howling. It actually

infiltrates our little corner of the world by its boundaries reaching directly into the neighborhood. This parcel in no way would back up to residents in a benign way. No amount of trees, fences, or landscaping would mask a commercial development Grayson Developments are wanting to market to.

Please help us to retain the original list of uses agreed upon by the Circuit Court in 2006. We all love Jonesboro! We all want to see Jonesboro grow and prosper, but not at the expense of established neighborhoods and the residents who pay taxes and live here.

Thank you so much for your consideration.

Wendy Jones; Wife of Allan Jones, Mother to Weston, John Henry, and Allie

3207 Maplewood Terrace

And Ridgefield Christian Jr. High Science Teacher