



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Council Agenda City Council

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Thursday, January 3, 2013

6:30 PM

Huntington Building

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

*City Council Chambers, Huntington Building*

### **SPECIAL CALLED FINANCE MEETING AT 6:00 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**

#### **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-12:101** Minutes for the special called City Council meeting on December 12, 2012

**Attachments:** [Minutes](#)

**RES-12:189** RESOLUTION PLACING STOP SIGNS AT CERTAIN LOCATIONS AND MAKING ADJUSTMENTS TO RIGHT-OF-WAY

**Sponsors:** Police Department

**Legislative History**

12/18/12	Public Safety Council Committee	Recommended to Council
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**RES-12:190** A RESOLUTION DESIGNATING MAXIMUM SPEED LIMITS ON CERTAIN STREETS AND ROADS WITHIN THE CITY LIMITS OF THE CITY OF JONESBORO, ARKANSAS

**Sponsors:** Police Department

**Legislative History**

12/18/12	Public Safety Council Committee	Recommended to Council
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**6. NEW BUSINESS***ORDINANCES ON FIRST READING*

**ORD-12:067** AN ORDINANCE TO AMEND CHAPTER 117 OF THE CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES FROM R-1 TO I-1 FOR PROPERTY LOCATED AT 5712 C.W. POST ROAD AS REQUESTED BY JUDY HASS

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

**7. UNFINISHED BUSINESS***ORDINANCES ON THIRD READING*

**ORD-12:063** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE FAMILY MEDIUM DENSITY DISTRICT TO PD-RM PLANNED DEVELOPMENT RESIDENTIAL MULTI-FAMILY FOR PROPERTY LOCATED AT 4306 & 4310 AGGIE ROAD AS REQUESTED BY JAMES & INA GOSSETT

**Attachments:** [Plat](#)  
[MAPC Report](#)  
[Appeal Letter](#)

**Legislative History**

12/4/12	City Council	Held at one reading
12/18/12	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)

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**File #:** MIN-12:101    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** To Be Introduced  
**File created:** 12/14/2012    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** Minutes for the special called City Council meeting on December 12, 2012  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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title  
Minutes for the special called City Council meeting on December 12, 2012



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Wednesday, December 12, 2012

5:15 PM

Huntington Building

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### Special Called Meeting

#### 1. CALL TO ORDER BY MAYOR PERRIN AT 5:15 P.M.

**Present** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

#### 2. NEW BUSINESS

**RES-12:206**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO BUY LOT 1 IN GRIFFIN SUBDIVISION LOCATED IN JONESBORO, ARKANSAS FOR VALLEY VIEW FIRE STATION

**Sponsors:** Fire Department

**Attachments:** [Sta. 5 land.pdf](#)  
[Appraisal.pdf](#)  
[MAPC memo](#)

*Mayor Perrin explained the City will be paying \$67,000 for the property to build a fire station. The MAPC discussed the property last night at their regular meeting. No oppositions, problems or issues were brought up by the MAPC, so the administration will be moving forward with a conditional use request in order to use the property for governmental use.*

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

**Aye:** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Enactment No: R-EN-191-2012

**RES-12:222**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH OLYMPUS CONSTRUCTION, INC FOR THE RENOVATIONS OF THE MERCANTILE CENTER

**Sponsors:** Mayor's Office

**Attachments:** [Olympus Contract](#)  
[Bid sheet for the Mercantile Center](#)

*Councilman Fears asked for details regarding the conversation about this contract*

during the Public Works Committee meeting. Mayor Perrin explained this project was bid out, but the lowest bid meeting specs did not actually meet specs because one of the subcontractors is over 30 miles away from Jonesboro. The next contract is Olympus Construction, which is who the contract is with. Olympus has liquidated damages with the Arkansas Highway Department for the West Memphis Welcome Center and the Blytheville Welcome Center. They discussed the penalty clause, which is \$200 per day or \$6,000 per month. The City Attorney indicated that penalty clause could not be changed since it was included in the bid specs.

Mayor Perrin further explained the contract is for three phases. Phase one is for the move from the current City Hall to the Mercantile Center, which ends May 1, 2013. The second phase is for the completion of the new Council Chambers, which will end August 1, 2013. The final phase will move the engineers out of the Huntington Building to the Mercantile Center 3rd floor, which will end November 1, 2013.

Councilman Fears questioned which projects currently have damages against them. Mayor Perrin answered the West Memphis Welcome Center is the only current damages Olympus is paying on. He added he thinks they have finished paying the damages for the problems with the Blytheville Welcome Center project. The damage to the West Memphis Welcome Center is due to a minority contractor who did not fulfill the concrete work so Olympus paid for and did themselves.

Councilman Fears then asked if the opinion of the committee was that Olympus would be okay with this project. Councilman Moore answered four of the five members were okay with the contract.

Councilman Frierson noted the Mayor stated during the meeting that the \$6,000 per month penalty seemed to be adequate to cover loss due to any possible lease problems or extensions.

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED by the following vote:**

**Aye:** 9 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson and Rennell Woods

**Nay:** 3 - Chris Moore; Mikel Fears and Charles Coleman

Enactment No: R-EN-192-2012

**RES-12:225**

A RESOLUTION TO MODIFY PREVIOUSLY APPROVED RESOLUTION RES-07:2386 INDUCING REDEVELOPMENT OF THE PROPERTY COMMONLY KNOWN AS THE "INDIAN MALL" AND DECLARING AN EMERGENCY UPON THE CALL OF A SPECIAL CITY COUNCIL MEETING FOR SECTION TWO ONLY

**Sponsors:** Mayor's Office, Planning and Engineering

**Attachments:** [RES 07 2386 Adopted July 2007](#)

Mayor Perrin questioned whether or not City Attorney Phillip Crego has had a chance to review and approve the resolution due to his being in court today. City Attorney Crego answered no, it has not been approved in Legistar because his office just received the resolution today and he has been in court.

Councilman Moore asked for City Attorney Crego's opinion on the resolution. City Attorney Crego explained the changes will just assign the rights of MBC Holdings to any successor they may have. The only concern he had was the resolution stating the owner shall not be required to mitigate stormwater issues due to any predecessor

*of the property. He expressed concern over current stormwater issues that would exempt the new purchaser. City Engineer Craig Light explained there is an existing flooding issue around the Indian Mall area. He has spoke with the engineer for the redevelopment and asked that no new structures be flooded and that they not create a hazard for the employees and others in the area.*

*City Attorney Crego asked if there are any current issues caused by the current owners that the City should not exempt the future purchaser from. Mr. Light stated he is not aware of the current owners doing anything that causes any issues for anyone other than themselves.*

**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:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-193-2012

**3. ADJOURNMENT**

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Harold Perrin, Mayor**

**Attest:**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Donna Jackson, City Clerk**



## Legislation Details (With Text)

**File #:** RES-12:189    **Version:** 2    **Name:** Traffic signage  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 10/19/2012    **In control:** Public Safety Council Committee  
**On agenda:**    **Final action:**  
**Title:** RESOLUTION PLACING STOP SIGNS AT CERTAIN LOCATIONS AND MAKING ADJUSTMENTS TO RIGHT-OF-WAY  
**Sponsors:** Police Department  
**Indexes:** Parking & Traffic  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/18/2012	2	Public Safety Council Committee		

title  
RESOLUTION PLACING STOP SIGNS AT CERTAIN LOCATIONS AND MAKING ADJUSTMENTS TO RIGHT-OF-WAY

body  
WHEREAS: a new street portion, Lombardy Circle, has come into existence just east of the intersection of Arrowhead and Shoshoni, thereby increasing traffic flow and the creation of the new street has created two additional intersections

BE IT RESOLVED, by the City Council for the City of Jonesboro, Arkansas

Sec 1: From and after passage of this Resolution, stop signs shall be placed at:

- A) On Arrowhead, eastbound, at its intersection with Shoshoni
- B) On Shoshoni, southbound, at its intersection with Arrowhead (Thus creating a three way stop at the intersection of Arrowhead and Shoshoni)
- C) On Lombardy Circle (a new street section), southbound, at both of its intersections with Arrowhead

Sec 2: The Street Dept is directed to place and locate upon the above described streets, appropriate signs at the appropriate places, with the designated stop signs posted upon said signs, and it shall be unlawful for any person, firm, or corporation to tear down, remove or mutilate such signs.

Sec 3: All resolution and parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.



## Legislation Details (With Text)

**File #:** RES-12:190    **Version:** 1    **Name:** Traffic signage  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 10/19/2012    **In control:** Public Safety Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION DESIGNATING MAXIMUM SPEED LIMITS ON CERTAIN STREETS AND ROADS WITHIN THE CITY LIMITS OF THE CITY OF JONESBORO, ARKANSAS  
**Sponsors:** Police Department  
**Indexes:** Parking & Traffic  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/18/2012	1	Public Safety Council Committee		

title  
A RESOLUTION DESIGNATING MAXIMUM SPEED LIMITS ON CERTAIN STREETS AND ROADS WITHIN THE CITY LIMITS OF THE CITY OF JONESBORO, ARKANSAS

body  
WHEREAS: The street of Parkside is a residential street in the Fairview neighborhood, east of Stadium and south of Highland

WHEREAS: The adjoining streets in that neighborhood are posted at 25 mph

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

Sec 1: From and after passage of this Resolution, the maximum speed limit on the following street shall be as follows:

A) On Parkside the speed shall be 25 mph

Sec 2: The Street Dept is directed to place and locate upon the above described streets, appropriate signs at the appropriate places, with the designated speed limit signs posted upon said signs, and it shall be unlawful for any person, firm, or corporation to tear down, remove or mutilate such signs.

Sec 3: All resolution and parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.





Legislation Details (With Text)

**File #:** ORD-12:067    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 12/27/2012    **In control:** City Council

**On agenda:**    **Final action:**

**Title:** AN ORDINANCE TO AMEND CHAPTER 117 OF THE CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES FROM R-1 TO I-1 FOR PROPERTY LOCATED AT 5712 C.W. POST ROAD AS REQUESTED BY JUDY HASS

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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title  
 AN ORDINANCE TO AMEND CHAPTER 117 OF THE CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES  
 body  
 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, THAT:

SECTION ONE: THAT 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 CLASSIFICATIONS AS FOLLOWS:

FROM R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT THE FOLLOWING DESCRIBED PROPERTY:

That part of the Southeast Quarter of the Southeast Quarter Section 26, Township 14 North, Range 4 East, being described as follows: Beginning at the Southeast Corner of said tract; thence S88 37'32"W along the South line of the Southeast Quarter of the Southeast Quarter of Section 26, 43.50 feet; thence N00 11'05"W, 40.03 feet to the North right-of-way line of C.W. Post Road; thence S88 37'27"W along the said right-of-way line, 1247.27 feet; thence N00 02'49"W, 1235.18 feet; thence N88 43'50"E 786.70 feet; thence S00 08'16"W, 586.01 feet; thence S00 13'34"W, 104.35 feet; thence N88 45'03"E, 461.6 feet to the west right-of-way line of Commerce Drive; thence S00 11'05"E along said right-of-way line, 542.38 feet to the true point of beginning, containing 28.00 acres more or less. Subject to any easements that may affect said lands.

SECTION TWO: THAT THE ABOVE DESCRIBED PROPERTY IS HEREBY REZONED LOCATED AT 5712 CW POST ROAD, CONTAINING 28 ACRES MORE OR LESS, FROM R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT

# REZONING PLAT

## DESCRIPTION:

The following lands in Craighead County, Arkansas, to-wit: That part of the Southeast Quarter of the Southeast Quarter of Section 26, Township 14 North, Range 4 East, being described as follows; Beginning at the Southeast corner of said tract, thence S88°37'32"W along the South line of Southeast Quarter of the Southeast Quarter of Section 26, 43.50 feet; thence N00°11'05"W, 40.03 feet to the North Right-of-way line of C. W. Post Road; thence S88°37'27"W along the said right-of-way line, 1247.27 feet; thence N00°02'49"W, 1235.18; thence N88°43'50"E, 786.70 feet; thence S00°08'16"W, 586.01; thence S00°13'34"W, 104.35 feet; thence N88°45'03"E, 461.60 feet to the West Right-of-Way Line of Commerce Drive; thence S00°11'05"E along said right-of-way line, 542.38 to the true point of beginning; containing 28.00 acres more or less. Subject to any easements that may affect said lands.

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 31TH DAY OF AUGUST, 2011 AND THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND ABILITY.

*Terrence D. Moore*  
 TERRENCE D. MOORE PLS No. 1293



## OWNER'S CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY AS DESCRIBED HEREON.

*Judy K. Hass, Executor*

BEARINGS ARE BASED ON HAYWOOD, KENWARD & ASSOCIATES INC. SURVEY FOR FRED TRUSTY DATED: DEC. 22, 1989.

0' 200' 400' 600'



## LEGEND

- ⊙ FOUND IRON PIPE
- FOUND IRON PIN
- ◇ FOUND RAILROAD SPIKE
- SET IRON PIN
- △ COMPUTED POINT
- x - WIRE FENCE
- P.O.B. POINT OF BEGINNING

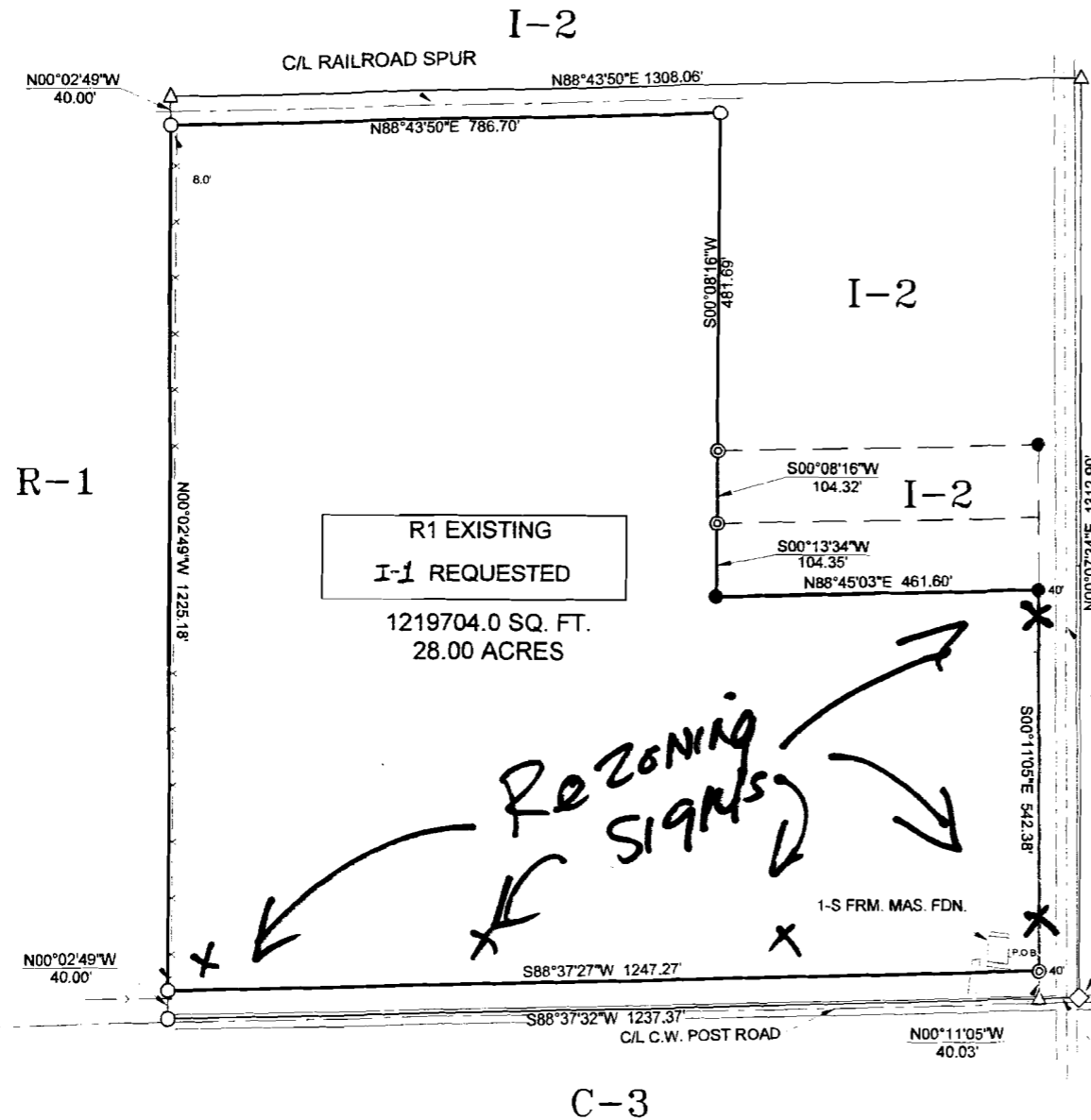
REV.	DATE	REVISION	BY

ARKANSAS SURVEYOR'S CODE  
 500-14N-04E-0-26-220-16-1293

### M<sup>2</sup> Surveying

Doug Moore, Licensed Surveyor  
 741 Greene Co. Rd. 710  
 Paragould, Ar 72450  
 Office: 870-236-7701 Cell: 870-240-3589 VAL Cell: 870-450-5053

CLIENT			
Judy Hass			
SCALE 1" = 200'	DRAWN TDM	CHECKED VMK	DATE 8-31-2011
JOB# 11093	CRD# 11093	DWG# 11093-1	REV#



N00°02'49"W 40.00'

N88°43'50"E 1308.06'

N88°43'50"E 786.70'

8.0'

S00°08'16"W 481.89'

S00°08'16"W 104.32'

S00°13'34"W 104.35'

N88°45'03"E 461.60'

1312.90'

542.38'

S00°11'05"E 542.38'

N00°02'49"W 1225.18'

N00°02'49"W 40.00'

S88°37'32"W 1247.27'

S88°37'32"W 1237.37'

N00°11'05"W 40.03'

S88°37'32"W 43.50'

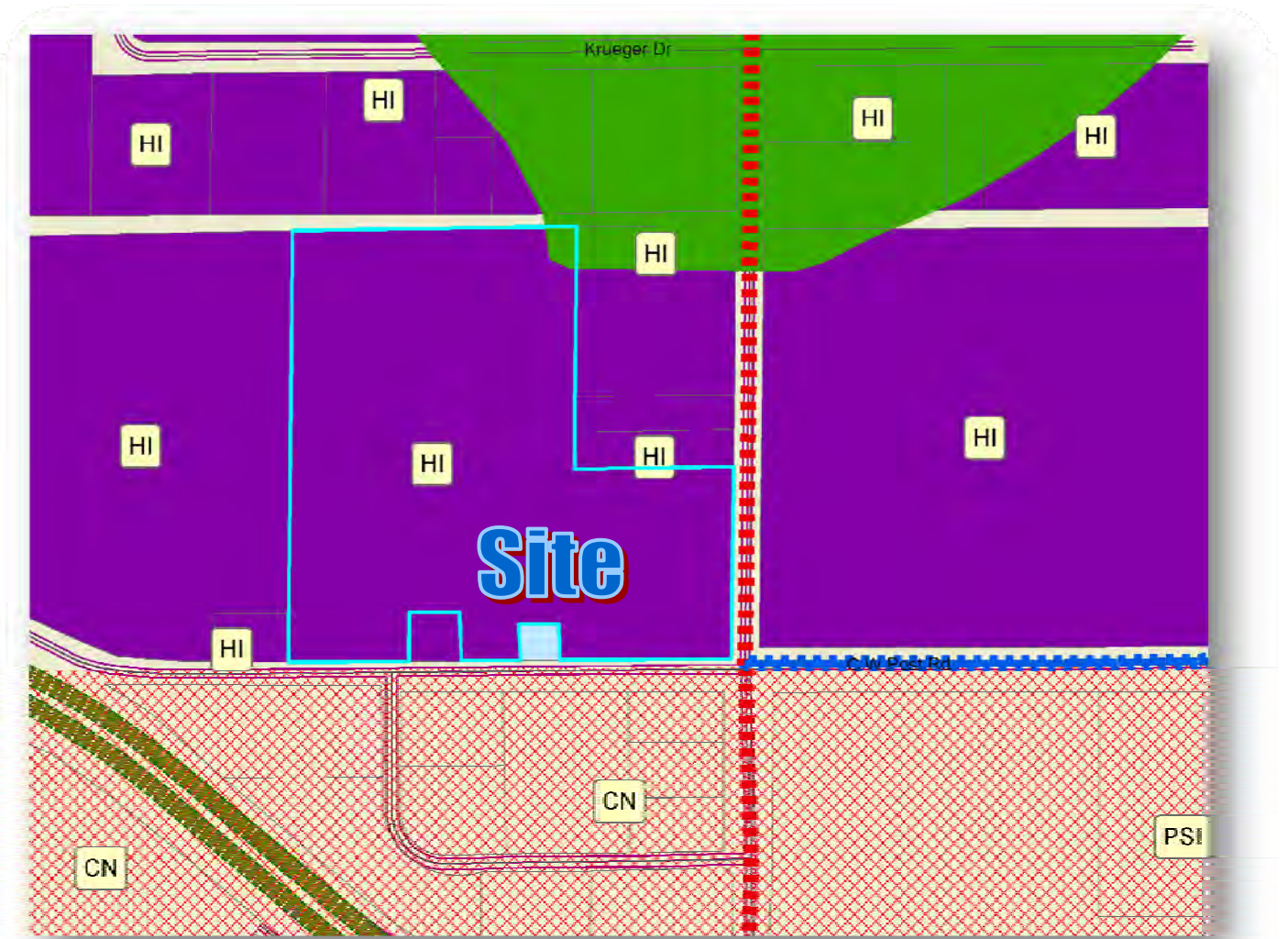


*City of Jonesboro City Council*  
**Staff Report – RZ 12-23: C.W. Post Rd. Rezoning**  
 Huntington Building - 900 W. Monroe  
*For Consideration by the Council on January 3, 2013*

- REQUEST:** To consider a rezoning of a parcel of land containing 28 +/- acres more or less.
- PURPOSE:** A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to I-1 Industrial by the MAPC.
- APPLICANT/  
 OWNER:** Judy K. Huss, Executor, 2309 Mary Jane, Jonesboro 72401
- LOCATION:** 5712 C.W. Post Rd., (At the Northwest corner of Commerce and C.W. Post Road)
- SITE** Tract Size: Approx. 28+/- acres: 1,219,680 sq. ft
- DESCRIPTION:** Frontage: 1,779.75 ft. +/- along Commerce and C.W. Post Rd.  
 Topography: Flat land  
 Existing Development: Single family home on pastured land
- |   |             |  |
|---|-------------|--|
| <b>SURROUNDING<br/>         CONDITIONS:</b> | <u>ZONE</u> | <u>LAND USE</u>                                |
|   | North: I-2  | Vacant Single Family/Timber/Former Landfill    |
|   | South: C-3  | Single Family                                  |
|   | East: I-2   | Single Family                                  |
|   | West: R-1   | Single Family & S.F. Subsidized Rental Housing |
- 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 Heavy Industrial. Larger scale industrial uses such as intensive manufacturing activities which may contain outside storage. Typically industrial or manufacturing uses with convenient access to primary highways or rail system.



**Future Land Use Map (HI=Heavy Industrial, purple)**

**Departmental / Agency Comments:**

Department/Agency	Reports/ Comments	Status
Engineering	Request for Review Sent 11/30- Pending	No problems with the proposal as presented
Streets/Sanitation	Request for Review Sent 11/30- Pending	No problems with the proposal as presented
Police	Request for Review Sent 11/30- Pending	No comments to date
Fire Department	Request for Review Sent 11/30- Pending	No comments to date
Utility Companies- CWL	Request for Review Sent 11/30- Pending	No problems with the proposal to date.

**Approval Criteria Checklist- 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 list. Staff has reviewed each and offers explanations and findings as listed in the rezoning checklist below:

<b>Criteria</b>	<b>Consistent (Yes or No)</b>	<b>Explanation</b>
(a) Consistency of the proposal with the Comprehensive Plan	<b>Consistency achieved with (Land Use Plan)</b>	<b>Comprehensive Plan Update Pending/No Change Anticipated</b>
(b) Consistency of the proposal with the purpose of the zoning ordinance.	<b>Yes/Consistency is achieved with overall planning area</b>	<b>Yes/Consistency is achieved with overall planning area</b>
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	<b>Yes/Consistency is achieved with overall planning area</b>	<b>Yes/Consistency is achieved with overall planning area</b>
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	<b>Land is not suitable for residential development under current R-1 zoning</b>	<b>Predominately Industrial Park area</b>
(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;	<b>Industrial park areas are customarily intended for high intense developments</b>	<b>Residential development are not intended to be near heavy manufacturing</b>
(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	<b>Property has been in use with one single resident</b>	<b>Pastured land for 52 years/Property currently used as renter property</b>
(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.	<b>Unknown/No development has been presented</b>	<b>Unknown/No development has been presented</b>

## **MAPC RECORD OF PROCEEDINGS: MEETING December 11, 2012**

### **Staff:**

Mr. Otis Spriggs gave staff summary comments from the Staff Report. Noting that the Future Land Use Map recommends this location as Heavy Industrial. Larger scale industrial uses such as intensive manufacturing activities which may contain outside storage. This category typically includes industrial or manufacturing uses with convenient access to primary highways or rail system; the proposed rezoning is consistent with the land use plan.

The subject site is served by Commerce Drive on the Master Street Plan which defines the road as a principal arterial, requiring 120-ft. of right-of-way. The proposed rezoning plat depicts a 40 ft. right of way, while 60 ft. is recommended for the right-of-way from center-line per the Master Street Plan. The applicant will have to agree to comply with the platting requirements.

The applicant agrees with the existing permitted list of uses under the I-1 Industrial District. A site plan has been recommended to be submitted to the MAPC. The list of approval criteria was outlined per the table provided in the Staff report. Consistency is noted on each item given the surrounding manufacturing uses in the area.

Mr. Tomlinson questioned the right-of-way required on the Master Street Plan. He stated that this is MAPC's opportunity to receive the right-of-way during the time of the rezoning. Mr. Michael Morris concurred. Mr. asked should a motion be made with the condition that the right-of-way be dedicated? Mr. Spriggs agreed that it could be added to Condition No. 1.

Mr. Kelton asked about the tenant currently on site. He asked what is the rental cycle on the property? He also noted the recommended 2 year limitation by Staff.

Mr. Spriggs stated that the concern of staff is the fact that we have removed residential uses from being allowed within the commercial districts. This change would render the property Non-Conforming. He added that he did not see an issue with the Planning Commission sun-shining that non-conformancy. If they required more time, they could always come back and request it.

Mr. Kelton added that the two years is being very generous. Was this the executor's idea on the 2-years? Mr. Spriggs stated that it was the Staff's recommendation only.

### **Applicant**

#### **Judy K. Huss, Executor, 2309 Mary Jane, Jonesboro.**

Mr. Kelton asked would she be in agreement to changes and the concerns of the right-of-way. Ms. Huss concurred and agreed to give the additional 20 ft. of right of way. Mr. Kelton asked if the 2-year notice to the tenants was adequate. She stated that she had already given them notice in June, 2012, and they understood and agreed that when the property would sell and was under an approved contract, they would have 30 days to move out. Mr. Spriggs stated that the code allows for 1- year for nonconforming uses to expire.

### **Public Input: No Opposition Present.**

**Commission Action:** A motion was made by Mr. Jim Scurlock to accept the proposal as stated with the stipulations of City Staff with the right-of-way condition as noted in compliance with the

Master Street Plan; seconded by Mr. Tomlinson that this matter be recommended to Council. The motion carried with the following vote.

**Aye:** 8 - Jim Scurlock, Kim Elmore, Joe Tomlinson, Brian Dover, Paul Hoelscher; Ron Kelton, Beverly Nix, and Jerry Reece. Recommended to Council with an 8-0 vote.



*Vicinity/Zoning*

**Findings:**

**Master Street Plan/Transportation**

The subject site is served by Commerce Drive on the Master Street Plan which defines the road as a principal arterial, requiring 120-ft. of right-of-way. Proposed rezoning plat depicts a 40 ft. right of way, while 60 ft. is recommended for right-of-way from center-line per Master Street Plan.

**Zoning Code Compliance Review:**

The applicant has requested a change in zoning from R-1 to I-1. The conceptual layout of the site is unknown at this point; no developer nor marketed product has been determined to our knowledge. The current property to be rezoned is compatible with current zoning of the area. The current property is near a major interchange and surrounded by manufacturing development, and will present no adverse effect to adjacent properties. In reviewing the planning area of the immediate subject site, its current use as a residential zoning area will stifle future commercial growth of an area quickly developing into a commercial/industrial site.

Staff has concerns regarding the current renter of the single family home located onsite at the Southwest



intersection of Commerce and CW Post Road. It is recommended that the renter be afforded a reasonable time limit of two years to vacate the structure upon removal; due to the fact that residential uses are no longer permitted in commercial/industrial zoning districts. MAPC and Council should consider this as a condition of approval.

Specific Code requirements are listed below. The property if rezoned can potentially be developed as any of the permitted uses allowed in the Zoning Code.

*I-1, limited industrial district is defined as a district which accommodates freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted, some of which are permitted as a Conditional Use. Suitable transportation facilities are a necessity to this district.*

**I-1 Zoning District Requirements (Non-residential use):**

**Requires:** Minimum lot width= 50'; Minimum lot depth 100'

**Front Setback:** 25 ft.

**Side:** 10 ft.

**Rear:** 20 ft.

**Buffering/Screening:**

Dumpsters shall be screened or properly shielded per Section 117-326 of the Jonesboro Code of Ordinances. Perimeter privacy fencing or buffering is not recommended because of the lack of residential area.

**Conclusion:**

The MAPC and Planning Staff find that the requested Zone Change submitted by Judy K. Huss should be evaluated based on the above observations and criteria, of Case RZ 12-23 noted above, a request to rezone property from "R-1" to "I-1" Industrial Limited. The following conditions apply:

1. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 28 acres as I-1, Limited Industrial, illustrating compliance with the Master Street Plan.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



View looking south from adjacent industry north of site.



View looking west along railroad towards the north boundary of site.



View looking southwest from adjacent industry towards site



View looking East along CW Post – Property site to right



View of subject property looking North



View from site looking South



View looking west, site frontage to the right



View looking northeasterly toward subject site from CW Post Rd.



View looking North toward site



View at Post Cereal looking South towards I-63- Site is to right.



View looking North along Commerce at Post Cereal, Site is to left



View looking West toward Site from Post Cereal



Legislation Details (With Text)

**File #:** ORD-12:063    **Version:** 1    **Name:** Rezoning by James & Ina Gossett  
**Type:** Ordinance    **Status:** Third Reading  
**File created:** 11/26/2012    **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-1 SINGLE FAMILY MEDIUM DENSITY DISTRICT TO PD-RM PLANNED DEVELOPMENT RESIDENTIAL MULTI-FAMILY FOR PROPERTY LOCATED AT 4306 & 4310 AGGIE ROAD AS REQUESTED BY JAMES & INA GOSSETT  
**Sponsors:**  
**Indexes:** Rezoning  
**Code sections:**  
**Attachments:** [Plat](#)  
[MAPC Report](#)  
[Appeal Letter](#)

Date	Ver.	Action By	Action	Result
12/18/2012	1	City Council		
12/4/2012	1	City Council	Held at one reading	

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 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 (PD-RM) PLANNED DEVELOPMENT - 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

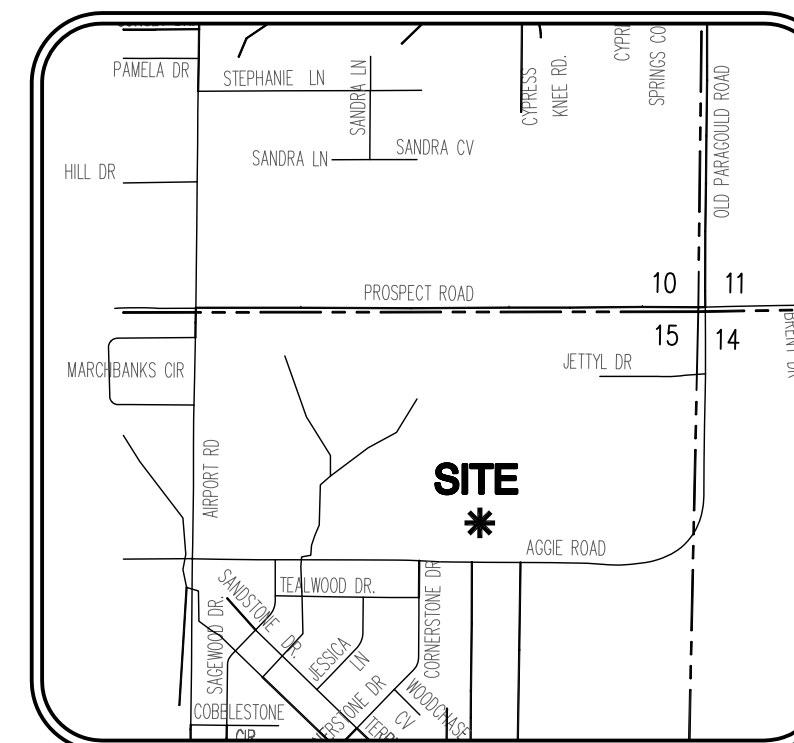
SECTION II: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, INsofar AS IT RELATES TO THE LANDS DESCRIBED HEREINABOVE SO THAT THE ZONING CLASSIFICATION OF SAID LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.

## REZONING APPLICATION

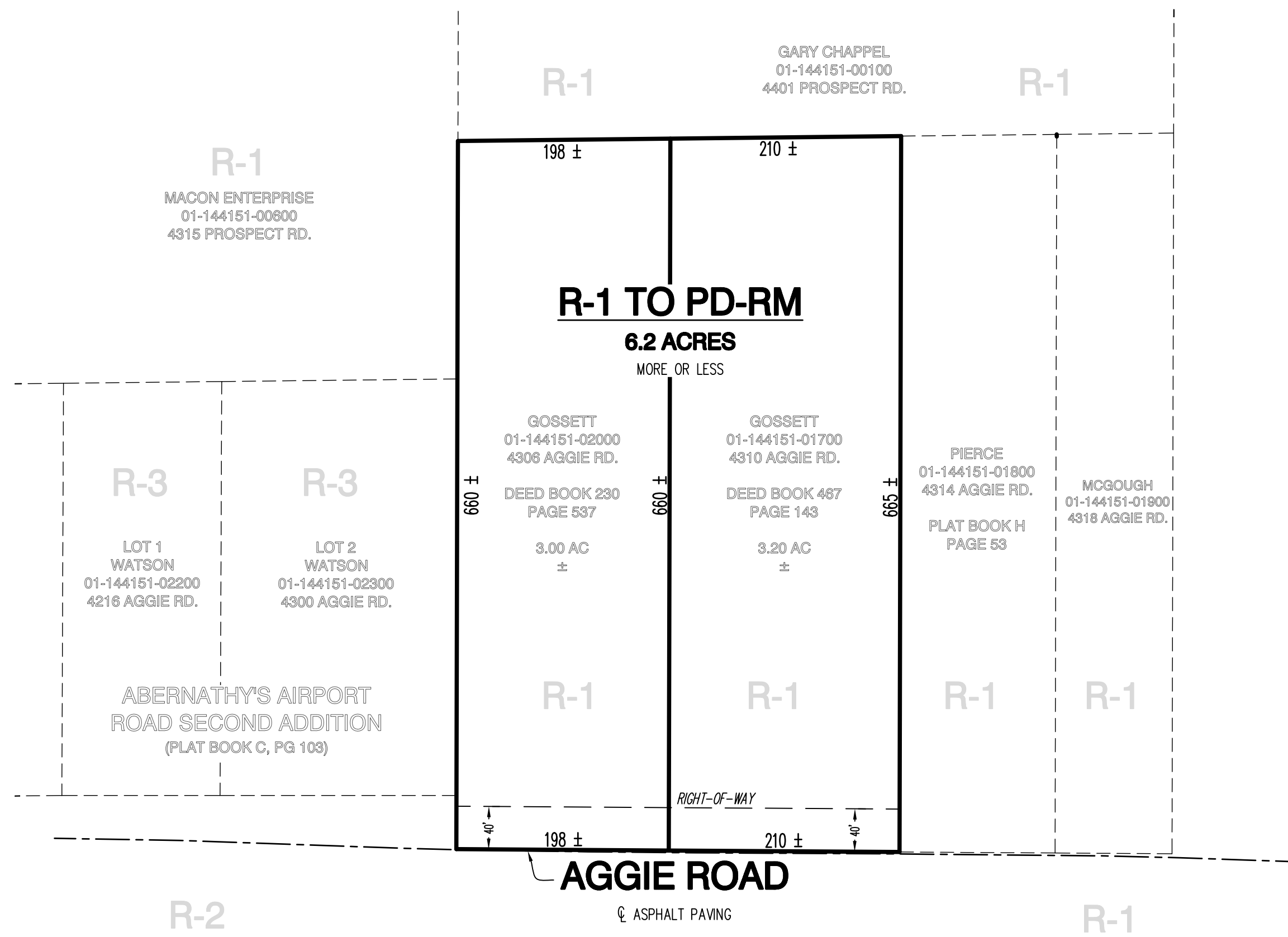
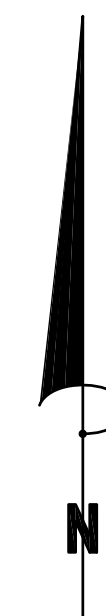
A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 4 EAST  
JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

**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



**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 (PD-RM) MULTI-FAMILY RESIDENTIAL PLANNED DEVELOPMENT**

SIGNED THIS 17th DAY OF SEPTEMBER, 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, KENWARD, 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 PD-RM, MULTI-FAMILY RESIDENTIAL - PLANNED DEVELOPMENT, INCLUDES ALL FORMS OF UNITS, DUPLEXES, TRI-PLEXES, QUADS, AND HIGHER.



## REZONING APPLICATION

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	DESCRIPTION
PROJECT NO. W039-0001-12	
DRAWN BY JHB	CHECKED BY JHB
SHEET 1 OF 1	SCALE 1"=100'
DATE 09/17/12	DRAWING NO. 57-362

*City of Jonesboro Metropolitan Area Planning Commission*  
**Staff Report – RZ 12-20: 4306 & 4310 Aggie Rd.- No.2**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Commission on November 15, 2012*

- REQUEST:** To consider a rezoning of a parcel of land containing 6.2 acres more or less.
- PURPOSE:** A request to consider recommendation to Council for a rezoning from R-1 Single Family Residential to PD-RM Planned Development District- (48 Duplex Units- 32 1-BR/16 2-BR: 24 Duplex buildings).
- 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
- |                                |             |                         |
|--------------------------------|-------------|-------------------------|
| <b>SURROUNDING CONDITIONS:</b> | <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:** Request for RM-8 Multi-family denied by the MAPC on June 12, 2012; case later appealed to Council and withdrawn on September 4, 2012; matter postponed indefinitely by Council.
- 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*

**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. (proposed right of way is shown on plat).

**Zoning Code Compliance Review:**

The applicant is now requesting a change as a PD-RM Planned District. The property is surrounded by a varying housing stock, an apartment complex to immediate west and a mobile home park to the south, which is a non-conforming use situated just across Aggie Rd. from the subject site. Another non-conforming trailer

park is located northwest of the subject site.

If approved, the development will net 48 attached duplex units, including an onsite openspace park setting and buffering 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 (5.4 units per acre allowed under R-1). The applicant is proposing a PD-RM Planned District Development on the site with a single private driveway for access.

Chapter 117 of the Code of Ordinances lists specific standards for Planned District Developments such as the open space requirement of 20% (54,126 s.f.). The applicant has demonstrated compliance with such open space amenities as: play ground and park-like setting with park furniture and gazebos including a vast amount of interior landscaping. Each unit has 6'-0" privacy fence patio screening. A 40' radius bus turn-around is provided onsite.

**Parking Spaces 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.

**MAPC RECORD OF PROCEEDINGS: MEETING OCTOBER 9, 2012**

Mr. Terry Bare, HKB, Inc., presented the case to the Commission. Gave the history of the former petition and appeal to Council. The owners were advised in good faith at the Council level that they should change the Zoning to a Planned Development to show that they would build duplexes and not apartment structures. There were comments by the opponents that the plan did not require the builder to build what he said he would.

Mr. Bare: Noted the land use plan confusion that appeared to exist; stated that proposal is consistent with the Land Use Plan. Mr. Bare read inserts from the Land Use Narrative concerning needs for plan amendments. He noted the hospital development in the Northeast and requirements for employees as well as the new fairgrounds. Mr. Bare spoke of a rumor of a Wal-Mart in that area.

Mr. Bare went on to discuss the Land Use Plan: It is a guide, flexible and dynamic document. It is meant to change as the need comes about. Site constraints were also discussed. He added that the developer is not building apartments as defined in the Zoning code, which is 3 or more units. We had to go under the multi-family designation, because there is not duplex district.

Mr. Bare read references to education in the Land Use plan. He also read references to the value of property. The developer is proposing a plan to show duplex single-bedrooms and two-bedroom dwelling units with open space public-use amenities, with a play ground for children.

Mr. Bare: The opponents are against multi-family. The housing is not designated as multi-family. Mr. Bare noted that he and his team reviewed surrounding subdivisions and determined that there are 150 rental properties in the area as single family (non-scientific study using City's GIS data).

Mr. Bare discussed the Master Street Plan: Airport Road is a minor arterial. The subject site is served by Aggie Rd.; the Master Street Plan defines the road as a collector. The collector road is

designed to bring the traffic to the minor arterial; the minor arterial is to bring the traffic to its destination. It is by the City's designation, a high volume street. Mr. Bare went on to discuss vehicular volumes. Single Family housing will likely generate 10 average trips per weekday; while apartments generate 7 average trips per weekday.

Developer Mr. Mike Watson, 315 Leslie Ann Drive appeared before the Commission:

Mr. Watson: Presented to the MAPC photographic views of the duplex units; showing no parking on Aggie Road, with all parking behind the units. He recognized that Mr. Mooney is passing out information on Vision 2030.

Mr. Watson: Explained the unit details: There are 16 duplexes; 1- bedroom units at 810 sq. ft. and 8 duplexes, 2-bedroom units at 1,100 sq. ft. Two duplexes will be facing Aggie Rd. They are marketing the units to young professionals.

Mr. Watson quoted housing findings of homes being 20 to 30 percent of the homes are rent homes; 42% is single family 54% is multi-family housing. Transitional residents that will blend while having the mobile home there.

Mr. Watson added that there are different zonings there such as a trailer park across the street. There is a mixed zoning and this meets the criteria as it relates to the land use plan.

Mr. Bare commented on the notation that this is spot zoning. There were 6 acres rezoned by David Abernathy in 1997. He described other uses in the area. Development as R-1 is not feasible.

**Staff:**

Mr. Spriggs gave staff comments from the report and gave the history. Where-by the request for RM-8 Multi-family was denied by the MAPC on June 12, 2012; the case was later appealed to Council and withdrawn on September 4, 2012; matter postponed indefinitely by Council.

Mr. Spriggs commented on the references made to the Land Use Plan. Consistency is not achieved as staff has determined it as single family. References to Vision 2030 were made as well, as were copied in a handout by the applicant. Mr. Spriggs stated that the MAPC and Staff are asked to refrain from references to Vision 2030 and/or the Jonesboro Housing Study until such time the documents are reviewed and adopted by Council.

Mr. Spriggs: The applicant is now requesting a change to a PD-RM Planned District. The property is surrounded by a varying housing stock, an apartment complex to immediate west and a mobile home park to the south, which is a non-conforming use situated just across Aggie Rd. from the subject site. Another non-conforming trailer park is located northwest of the subject site.

If approved, the development will net 48 attached duplex units, including an onsite openspace park setting and buffering provided along property boundaries. Current R-1 Single Family Density will allow approximately 33 single family homes to be built under the gross density calculation (5.4 units per acre allowed under R-1). The applicant is proposing a PD-RM Planned District Development on the site with a single private driveway for access.

Mr. Spriggs: Chapter 117 of the Code of Ordinances lists specific standards for Planned District Developments such as the open space requirement of 20% (54,126 s.f.). The applicant has demonstrated compliance with such open space amenities as: play ground and park-like setting with park furniture and gazebos including a vast amount of interior landscaping. Each unit has 6'-0" privacy fence patio screening. A 40' radius bus turn-around is provided onsite.

“PD-RM Planned Development District: The following conditions are suggested:

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 be limited to a maximum of 48 units.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 6.2 acres as PD- RM- Planned Development District.
4. The applicant agrees to comply with the Master Street Plan recommendations for Aggie Rd. right-of-ways.
5. Fencing details depicting screening shall be implemented along the entire perimeter 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.

Mr. Tomlinson commented on the site plan in which they are considered apartments and have been for over 28 years. Otherwise, we would have been building duplexes on single family lots all through the years.

Mr. Bare: They are designed to look like single family homes.

The Commission requested to see the latest Land Use Plan: Mr. Spriggs showed the plan which showed the color “yellow” which recommends the site as single family residence. January 2010 is the effective adoption.

Mr. Bare stated that the map shown is showing the zoning.

Mr. Tomlinson: Part of your justification from deviating from the land use plan is that the NEA Baptist Memorial Hospital is being built; that is one. The building of a hospital doesn't mean that you can over-run your land use plan or your infrastructure, or your encroachment into single family housing. You can't use the hospital as a justification.

Mr. Bare: The hospital has created a commercial boom in that area.

Mr. Hoelscher: The Land Use Plan isn't documented the way they are zoned, but to recommend how they will be used. What you cited out the land use plan was the need for the City to amend the plan, but not rezoned a specific piece of property. It has been adopted for quite some times.

Mr. Bare stated that the Land Use Plan was to be a flexible dynamic tool and the previous plan was used in a similar manner. There were many meetings where it was said it was not cast-in-stone.

Mr. Bare asked that the City change the plan to a guide.

Mr. Scurlock: We let a rezoning go down the street. It was for 50 houses. Stated he would rather live next to this place than 1 house out of 50 on a 6 or 8 acre plot.

**Public Input:**

Mr. Todd Burton: Stated that he spoke with Mr. Tomlinson who also served on the Land Use Advisory Board in doing the map and plan. Stated that he has been fighting rezoning for his area for 15 years. Mr. Burton stated that they have pulled out some amendments in the Land Use Plan that we worked on as a community. Multi-family was to be out on the thoroughfares, where you could transition from the major uses. No way didn't we say you would put 48 units in R-1; there are

apartments already there. We are building a school right down the road. The Land Use Plan is suppose to be used as a guide. We said the infrastructure would not support apartments.

Mr. Micky Bridger, Chairman of the Country Wood Subdivision: Stated that there were question we don't have an association; Stated that he is the chairman. He commented on the traffic and his incident of bottle neck traffic at 7 or 8 o'clock in one morning and 4 o'clock in the evening. Traffic cuts through our neighborhood. Stated that there is a difference in living as a home owner and an apartment.

Debbie Devault: Home owner request that MAPC not change the zoning: it will devalue her home. Stated that she is a homeowner and teacher.

Mark Holding: Cypress Run Subdivision: Expressed his opposition. Commented on the new hospital reference is Vision 2030 and passed out handouts concerning the crime analysis report from July. Between 2010 and 2011, it shows that there is an increase in crime in that area. Basia Combs, Jonesboro Police Department Crime Analyst gave substantial data that linked crime to multi-family apartments.

Mr. Holding commented on the traffic issue and made reference to traffic counts from a 2010 study commissioned by the City. Aggie Road is a collector and it is design for 5,100 cars a day by the definition. In 2008 there were already 5,600 cars on Aggie Rd. per day. They estimated that it would increase by 211 cars per day, per year; which would be over 6,200 cars per day on that designed road.

Mr. Holding further commented on the congestion and the impact of the building of a school at Airport and Aggie Rd. He asked the MAPC to stand behind its original decision.

Mrs. Jerry McGough, 3700 Aggie Rd.: Stated that she owns 3 properties on Aggie Road and that she agreed with all of what has been said by these people. She referred to her letter previously submitted. She has lived there for 45 years. The traffic is a problem and with the new middle school being build across the street. Drugs and crime is a problem as stated. Adding more density will only add more to that crime.

Ms. McGough asked for consideration of the existing road conditions, and voiced her opposition and referred to her case from last year that was denied.

Denise Campbell, 4318 Aggie Rd.: She lives next to the Gossetts and her dad and brother lives there and are upset and opposed to this.

Dallas Spears, 4314 Aggie Road: Son of James Spears: He is taking care of his parents at 4314 Aggie. They are opposed to any new additions. Stated that it is cramped up; it will kill the value of his property.

Dawn Smith, 336 Country Wood Estates: Stated that her parents are the owners of this property. It has been for sale and no one wants this property. Spoke on property values, crime and traffic. Referred to the apartments across the street which have not caused adverse impact on the value of the homes. Ms. Smith referred to the traffic and her neighborhood being used as a cut-through. Stated that Mr. Bridger is not a spokesperson for the neighborhood. Stated that we have all lived in an apartment at some time in our lives and it didn't make us drug dealers nor criminals.

Ms. Gossett: Stated that they have lived there at 4306 Aggie Rd. for 36 years. She noted that the trailer park was there a long time ago when they moved there; and the apartments have never caused



them any problems. She noted that her husband is a stressed and is a war veteran who served in both the Korean and Vietnam war. Ms. Gossett stated that they need a handicap facility home. They bought property in Ridge Run and are planning to build a home there. She has no ill-will against her neighbors and respect the speakers. She added: Thirty six years ago, the road was gravel and the neighbors and her family paid to pave the road. She ended stating that she only wants a chance of getting what their property is worth by rezoning it.

Terry Bare: Referred to the information presented earlier, taken from the Land Use Plan. Mr. Bare stated that he has worked and provided information to the MAPC for 39 years and has never presented false information. The school is being built because there is a need. Stated that what he has seen is that the people that live in this area don't like change, unless it looks like what they live in. Please look at the property and what is surrounding it and the history. Stated that he is trying to provide the best information that is available today. No one goes before the Chamber of Commerce and say stop bringing new industry, because the traffic is killing us. They are saying bring more. This developer is trying to provide quality living in that area.

Mr. Tomlinson: stated that he has a problem with the increased density given the existing infrastructure.

A motion was made by Mr. Jim Scurlock to accept the proposal as stated with the stipulations of City Staff, seconded by Ms. Kim Elmore that this matter be recommended to Council. The motion failed by the following vote.

**Aye:** 2 - Jim Scurlock and Kim Elmore

**Nay:** 5 - Joe Tomlinson; Brian Dover; Paul Hoelscher; Ron Kelton and Jerry Reece

**Absent:** 2 - Lonnie Roberts Jr. and Beverly Nix

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.

# **Haywood, Kenward, Bare**

**AND ASSOCIATES, INC.**

**Civil Engineering - Surveying - Planning**

November, 6,2012

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, James and Ina Gossett; Haywood, Kenward, Bare & Associates, Inc. (HKB) is writing to formally request an Appeal Hearing in regard to the Rezoning Application (R-1 to PD-RM) 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,



Terry Bare, President  
Haywood, Kenward, Bare & Associates, Inc.