

QUINN AVIATION, INC.



AMENDED ORDINANCE PROPOSAL

FEBRUARY 7, 2017

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Supporting 2016 Proposed Ordinance

February 7, 2017

Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

Re: Quinn Aviation, Inc.

Dear Honorable Jonesboro City Council Member:

I write to you, along with my partner Bart Calhoun and Jonesboro attorney Phillip Crego, as counsel for Quinn Aviation, Inc. Quinn Aviation is a small business that has operated as a crop dusting service since 1962 on the same land that is now inside the Jonesboro city limits on Southwest Drive. The business provides jobs and livelihoods for more than a dozen people. I come to this Council on behalf of those people to ask for an ordinance allowing that business to continue the operations it has performed for the last 55 years. Without this ordinance, the business faces an arbitrary closure deadline that risks jobs and will be extremely expensive to observe.

In fairness, the deadline to which I am referring was established at the request of Quinn Aviation in 2008 when it sought and was granted annexation into the city limits. The company and its lawyers at the time believed that the property, Zoned R-1, could be sold and developed into homes in that amount of time. Upon sale of the property, the business could afford to move into the county, establish a new site of operations and continue to serve its customers, farmers in our area.

Although the land has been for sale, and is for sale this very day, it has not sold. With less than two years left on the original 10 year grandfather clause, the company fears that the uncertainty of having to relocate will significantly impact their viability. To move this business will take time, planning, permits and money. If its current location sells for market value, the company will easily be able to afford to move. However, like any individual with a new house to live in and an old house that won't sell knows, moving this business while still holding on to its original location would be very painful financially.

For this reason, in an attempt to plan ahead, Quinn Aviation approached this Council in the summer of 2016 to ask for assistance. At that time, an ordinance was proposed that rezoned the property to I-1 with the condition that the property would revert to R1 upon sale or development of the property. The Council raised questions about that approach and one citizen raised concerns about air traffic flying north of Southwest drive, an area which does have more homes now than in 2008. As a result, the Council tabled the proposal for more consideration.

Although the Metropolitan Area Planning Commission and numerous city officials supported the approach outlined in the 2016 proposed ordinance, Quinn Aviation has spent the last several months working to address the concerns raised by Council members and the public. The

company retained my firm and Mr. Crego as legal counsel, and we have worked hard to listen to city officials and those who live and work in the area surrounding Quinn Aviation.

Quinn Aviation now asks that this Council return the 2016 proposed ordinance to the active agenda. We also ask that the 2016 proposed ordinance be amended to remove any request for I1 zoning. The amendment will completely leave the current status of the property and *all* 2008 conditions on its sale and use *in tact*. The *only* change we now seek to the original 2008 Ordinance is to remove the 10 year expiration of the grandfather clause to allow for predictability in operating the business.

In support of this request, Quinn Aviation has included in this packet, among other things:

1. Letters from the surrounding businesses in support of Quinn Aviation's request to continue their operations;
2. Letters from neighboring residential homeowners in support of Quinn Aviation's request to continue operations;
3. A letter from Kevin Carpenter of Quinn Aviation confirming that air traffic will land and depart away from Southwest Drive.

Quinn Aviation is a good business that pays its taxes, operates safely, employs hard working citizens of Jonesboro and enjoys the support of its neighbors. Quinn Aviation appreciates the patience of the City Council and its pro-business approach to governmental problem solving. **We respectfully ask that the 2016 matter be returned to the agenda, be amended as described herein and be approved by this Council so that this business may continue operations until such time as the property sells and it can relocate to a more rural setting.** I look forward to answering your questions and making a full presentation on the amended proposed ordinance on February 21, 2016.

Respectfully,



Dustin McDaniel
McDaniel, Richardson & Calhoun, PLLC
1020 West 4th Street, Ste. 410
Little Rock, AR 72201
501-235-8336
dmcDaniel@mrcfirm.com



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Signature Copy

Ordinance: O-EN-050-2008

File Number: ORD-08:045

Enactment Number: O-EN-050-2008

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AMENDING THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS

WHEREAS, a Petition was filed with the County Clerk of Craighead County, Arkansas, by the sole owner of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Jonesboro, Arkansas; and

WHEREAS, on March 27, 2008, the County Court of Craighead County, Arkansas, found that the Petition was signed by a majority of the real estate owners in said territory; that said territory was depicted on an accurate map of said territory, filed with and made a part of the said Petition, showing the Property to be contiguous and adjoining the present corporate limits of the City of Jonesboro, Arkansas; that proper notice had been given for the time and in the manner prescribed by law, and in all things pertaining thereto had been done in a manner prescribed by law, and that said lands and territories should be annexed to and made a part of the City of Jonesboro, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order; and

WHEREAS, the Jonesboro Metropolitan Area Planning Commission has recommended that said lands be zoned RS-5, subject to certain preexisting non-conforming uses, upon annexation approved by the City of Jonesboro, Arkansas; and

WHEREAS, the Petitioner has agreed to a zoning classification of RS-1; and

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

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

SECTION I: The following described lands and territory contiguous and adjoining the City of Jonesboro, Arkansas, is hereby accepted as part of and annexed to and made a part of the City of Jonesboro, Arkansas:

ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 3 EAST; AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 3 EAST; LYING WEST OF SHELTON CREEK. LESS AND EXCEPT THE FOLLOWING TRACTS OF LAND, BEING DESCRIBED AS RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE AS

FOLLOWS: DEED BOOK 147, PAGE 128, DEED BOOK 161, PAGES 316-317; DEED BOOK 634, PAGES 810-811; DEED BOOK 634, PAGES 808-809; DEED BOOK 615, PAGES 785-786.

THE SUBJECT PROPERTY BEING MORE PARTICULARLY DESCRIBED AS:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND A PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 3 EAST; CRAIGHEAD COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°13'27" EAST, ALONG THE SECTION LINE, 656.92 FEET, TO THE POINT OF BEGINNING PROPER; THENCE SOUTH 87°58'27" EAST, 1237.31 FEET; THENCE NORTH 00°18'41" EAST, 384.67 FEET, TO THE CITY LIMIT LINE FOR JONESBORO, ARKANSAS; THENCE SOUTH 89°15'47" EAST, ALONG SAID CITY LIMIT LINE, 653.95 FEET, TO THE CENTERLINE OF SHELTON CREEK; THENCE WITH THE MEANDERING OF SAID CENTERLINE OF SHELTON CREEK THE FOLLOWING BEARINGS AND DISTANCES; SOUTH 47°34'57" EAST, 43.23 FEET; SOUTH 55°07'11" EAST, 106.65 FEET; SOUTH 31°29'15" EAST, 58.85 FEET; SOUTH 15°18'13" EAST, 180.90 FEET; SOUTH 18°28'26" EAST, 182.38 FEET; SOUTH 16°53'22" EAST, 179.03 FEET; SOUTH 32°49'54" EAST, 128.02 FEET; SOUTH 25°57'463" EAST, 251.57 FEET; SOUTH 32°50'43" EAST, 197.48 FEET; SOUTH 25°23'49" EAST; 248.52 FEET; SOUTH 25°23'49" EAST, DEPARTING THE CENTERLINE OF SHELTON CREEK, 176.10 FEET, TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE SOUTH 00°44'45" WEST, ALONG SAID EAST LINE OF THE NORTHWEST QUARTER, 788.85 FEET, TO THE CENTER OF SAID SECTION 10; THENCE NORTH 89°50'20" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, 1325.47 FEET, TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE SOUTH 00°20'13" WEST, ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1323.43 FEET, TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 89°51'09" WEST, ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1316.03 FEET, TO THE WEST LINE OF SECTION 10; THENCE NORTH 00°04'18" WEST, ALONG THE SECTION LINE, 1323.75 FEET, TO THE QUARTER CORNER OF SECTIONS 9 AND 10; THENCE NORTH 00°13'27" WEST, ALONG THE SECTION LINE, 1991.19 FEET, TO THE POINT OF BEGINNING PROPER, CONTAINING 159.13 ACRES, MORE OR LESS; BEING SUBJECT TO A PUBLIC ROAD OFF AND ACROSS THE SOUTH SIDE THEREOF; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SECTION II: That the above described territory shall be annexed to and made a part of ward four (4) of the City of Jonesboro, Arkansas, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

SECTION III: The Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Title 14 of the Jonesboro Municipal Code, should be, and it hereby is amended so that the Property is zoned as the "RS-1" residential use classification, but recognizing the following preexisting, Non-conforming Uses (as defined in Title 14 of the Jonesboro Municipal Code):

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

B. Agriculture, crops.

SECTION IV: Chapter 14.12 of the Jonesboro Municipal Code shall apply to the Non-conforming Uses described above, except that the said Nonconforming Uses described in Section I.A. above shall expire, and shall be prohibited upon the Property, upon the earliest of: a) ten (10) years from the date of the passage of this Ordinance; or b) the issuance of a building permit for the purpose of construction of residential housing on any portion of the Property.

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

SECTION VI: 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 APPROVED this 19th day of August, 2008.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-16:082

Agenda Date:

Version: 1

Status: Second Reading

In Control: Public Works Council Committee

File Type: Ordinance

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-33, AMENDING THE PROCEDURES FOR AMENDING TEXTUAL PROVISION OF THE CHAPTER, AND THE OTHER BEING A CHANGE OF BOUNDARY IN A ZONING DISTRICT, WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS

WHEREAS, The City of Jonesboro desires to encourage orderly development and provide clarity within the existing code of ordinance in relation to zoning procedures.

WHEREAS, The City of Jonesboro Code of Ordinances currently gives the Metropolitan Area Planning Commission authority to hold public hearings, review, and make recommendation to the Jonesboro City Council on matters related to the zoning code.

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

SECTION ONE: Section 117-34, Zoning shall be amended as follows:

Sec 117-34. - Amendments.

Two types of amendments to this zoning chapter are recognized; one being a revision in the textual provisions of the chapter, and the other being a change of boundary in a zoning district.

- (1) *Amendment to text.* Amendments to the text may be initiated by the planning commission, the city council, or by the mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.
 - a. *Notice.* The city planner shall be responsible for scheduling a public hearing before the planning commission. He shall prepare the content of a public notice, and ensure that the notice is published in the newspaper of general circulation with the city at least 15 days before the public hearing.
 - b. *Hearing and recommendation by the planning commission.* The planning commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing the commission shall determine its recommendation regarding the proposed amendment and make such know to the city council.
 - c. *Action by the city council.* After receiving the recommendation of the planning commission, the city council:
 1. May approve the amendment as submitted;
 2. May approve a revised version they deem appropriate;

3. Refer it back to the planning commission for further study and consideration;
4. Table it; or
5. Deny it.

If the city council action does not take place within six months after the planning commission's public hearing, the amendment process must begin anew.

(2) Change in district boundary. A change in a district boundary, also referred to as a map amendment or rezoning, may be proposed by the city council, the planning commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

a. *Application submittal.* A complete application for change in district boundary or map amendment, hereafter referred to as a rezoning, shall be submitted to the city planner in a form established by him, along with a nonrefundable processing fee established in section 117-35.

Applications shall be filed according to the submittal schedule available online or in the planning office in order to be placed on the planning commission agenda for the subsequent meeting. No application shall be processed until the city planner determines that the application is complete and the required fee has been paid.

b. *Notice.*

1. Promptly upon determining that the application is complete, the city planner shall schedule a public hearing date before the planning commission, notify the applicant of the hearing date, and provide at least 15 days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.
2. The applicant shall:
 - (i) Post notice on weatherproof signs provided by the city;
 - (ii) Notify all property owners within 200' by certified mail return receipt requested 15 days prior to the meeting;
 - (iii) Provide notification to the school district serving the area by sending notice to the Superintendent of the School District of the zoning request. The school board shall send their opinion in writing to the office of the city planner within 15 days. Lack of a response will be considered as "no opinion" when considering the request.
 - (iv) Place the signs on the property that is the subject of the application at least 15 days before the public hearing; and
 - (v) Ensure that the signs remain continuously posted until a final decision is made by the city council. At least one sign shall be posted by the applicant for each 150 feet of street frontage, up to a maximum of five signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passerby. There shall be a minimum of one sign along each abutting street.

c. *Hearing and recommendation by the planning commission.* The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall recommend approval as submitted; may

recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application, and submit an accurate written summary of the proceedings to the city council.

- d. *Hearing and action by the city council.* After the planning commission recommends approval of an application, the applicant shall be responsible for preparing the appropriate ordinance and requesting that the city clerk place it on the city council's agenda. Agenda item request and all documentation shall be submitted in a form established by the city clerk, and be accompanied by a publication fee prescribed by law.
1. If the planning commission does not recommend approval of an application, the city council may consider the matter after an appeal is filed by the property owner with the city clerk, and a special public hearing is set and subsequently held. Applicant responsibility with regard to filing documents with the city clerk and paying said fee as is also applicable.
 2. In considering an application for approval, whether on appeal or not, the city council may reduce the amount of land area included in the application, but not increase it and may change the requested classification in whole or in part, to a less intense zoning district classification that was indicated in the planning commissions required public notice.
- e. *Approval criteria.* The criteria for approval of a rezoning are set out in this subsection. Not all criteria must be given equal consideration by the planning commission or city council in reaching a decision. If any project doesn't meet all the criteria in this section the planning commission or city council can require the owner to provide additional information to determine if the rezoning should move forward. Additional information may include but not be limited to; traffic studies, drainage considerations, crime reports, noise and light studies, wetlands and historical considerations. The criteria to be consider shall include, but not be limited to, the following:
1. Consistency of the proposal with the comprehensive plan;
 2. Consistency of the proposal with the purpose of this chapter;
 3. Compatibility of the proposal with the zoning, uses and character of the surrounding area including adjacent neighbors that have a direct impact to the property;
 4. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
 5. 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;
 6. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, emergency medical services, and school districts.
- f. *Successive applications.* In the event that the city council denies an application for a rezoning, a similar application shall not be considered by the planning commission for six months from the date of the denial by the city council, unless the planning commission, upon recommendation by the city planner, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area by the proposed rezoning.
- g. *Withdrawal of application.*

1. Only one withdrawal shall be allowed as a right following the application filing for a rezoning, annexation or conditional use;
2. On or after the second time withdrawal granted, the applicant must wait 90 days before resubmitting the same or similar petition involving the same land use, and, under extenuating (emergency) circumstances, the planning commission or city council may consider and grant a request to waive the 90 day restriction on the second time request for withdrawals;
3. Third-time withdrawal requests will default to the most current ordinance requirement for denied rezoning petitions.

.. ..title

AN ORDINANCE AMENDING ORDINANCE 08:045 REMOVING THE TEN (10) YEAR LIMITATION ON THE PRE-EXISTING NON-CONFORMING USE

..body

WHEREAS, in 2008 the property in question was annexed into the City of Jonesboro and zoned R-1 with a pre-existing non-conforming use on the property in the form of an airstrip used for crop dusting purposes associated with a business located on adjoining property, and

WHEREAS, a restriction was applied to the non-conforming use that it would expire and no longer be allowed ten (10) years from the date of the ordinances approval: and

WHEREAS, it is the desire of the property owners and the city council for the City of Jonesboro that the expiration date on the non-conforming use be removed from the previous ordinance.

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

SECTION I: That ordinance 08:045 is hereby amended and the ten (10) year expiration date on the non-conforming use is hereby removed from said ordinance.

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

SECTION VI: The City Clerk is hereby directed to amend the zoning records to reflect the changes to the non-conforming use in the ordinance, insofar as it relates to the lands described hereinabove so that the zoning records shall be in accordance with the provisions of this Ordinance.

PASSED AND APPROVED this ____ day of _____, 2017.

Quinn Aviation, Inc.

6106 Southwest Drive
Jonesboro, AR 72404
(870) 932-1068

February 6, 2017

To Whom It May Concern,

Our runway operations are directed South of Southwest Drive. With the exception of an emergency or extreme conditions, we have implemented a policy that directs all takeoffs and landings to be away from the roadway.



Kevin Carpenter, VP Quinn Aviation, Inc

POINSETT RICE & GRAIN, INC
6211 SOUTHWEST DRIVE
JONESBORO, AR 72404
(870) 336-2268



December 5, 2016

Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

I am writing to convey my support on behalf of myself and Poinsett Rice and Grain for the rezoning of land located at 6106 Southwest Drive as commercial use. Quinn Aviation has been a great neighbor to us and in no way disturbs the area or our business. To the contrary, we are very pleased to have Quinn Aviation here and hope they can continue operating as a crop dusting service at the location. Quinn Aviation has operated at the property for years and the safety of residents of the area and surrounding businesses has never been a concern. I ask that you approve their request. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy McNeil", written over the word "Sincerely,".

Randy McNeil
Poinsett Rice and Grain
6211 Southwest Drive
Jonesboro, AR 72404

Joe Trotter
Baltz Equipment Co.
Jonesboro, Ar 72404
870-972-5522



December 5, 2016

Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

I am writing to express support, on behalf of myself and Baltz Equipment, for the rezoning of the land located at 6106 Southwest Drive, Jonesboro, AR 72404 as commercial use. It has been brought to my attention that Quinn Aviation has requested it be rezoned so they can continue to operate a crop dusting service at the property. I certainly have no objection to the continued use of Quinn Aviation's property as a crop dusting servicing business. The use of the property as a crop dusting service does not disturb my business, my customers, or, to my knowledge, any individual or business around the property, and I do not believe the use of the property as a crop dusting service causes safety concerns. Quinn Aviation and its owners are great neighbors, and I respect the way they conduct business. It is my desire for Quinn Aviation to continue to do business at the property as a crop dusting service. If you have any questions or would like to discuss this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Joe Trotter".

Joe Trotter
Baltz Equipment
6132 Southwest Drive
Jonesboro, AR 72404

DELTA GRAIN MARKETING, LLC.

MARKETER OF RICE, SOYBEANS, WHEAT, MILO & CORN

6014 Southwest Dr.
Jonesboro, AR 72404
deltagrain@hotmail.com

Office (870-932-0344)
Cell (870-926-5707)
Fax (870-932-6005)

December 5, 2016

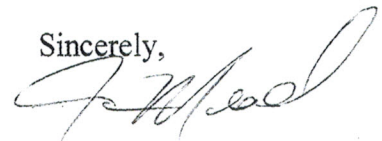
Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

I have been made aware that Quinn Aviation has requested that its property located at 6106 Southwest Drive be rezoned as commercial use. I wish to convey my support for such request and hope this Council will approve the request so Quinn Aviation can continue to operate as a crop dusting service at the property. The business's operations do not disturb my business, my customers, or, to my knowledge, any individual or business around the property. Further, I do not see the continued use of the property as a crop dusting service to be a safety concern. Most of this area is commercial, and there have been no incidents in the past that make me question the safety of the business's operations. The owners of Quinn Aviation run a great business and are an asset to the area. They've been here for years, and it is my desire to see them continue to do business here for many years into the future. If you have any questions or would like to discuss this matter, please do not hesitate to contact me.

Sincerely,



Jim Mead
Delta Grain Marketing
6014 Southwest Drive
Jonesboro, AR 72404



December 5, 2016

Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

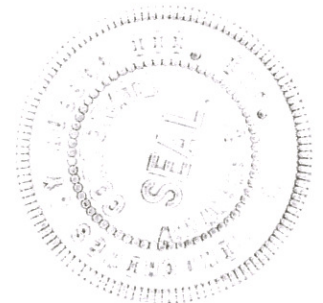
I am writing to convey my support for the rezoning of land located at 6106 Southwest Drive as commercial use. I've been business neighbors with Quinn Aviation for approximately twenty years and have a great relationship with them. The business is not a disturbance or safety concern to the area, and it is my wish that they continue to be neighbors of ours. I ask that you approve their request. If you have any questions or concerns, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Harral".

12-5-16

Rich Harral
Windchimes by Russco
6140 Southwest Drive
Jonesboro, AR 72404



Decorative Home and Garden Specialist

6140 Southwest Drive • Jonesboro, AR 72404

(870) 932-5509 • fax: (870) 933-8741 • <http://www.myrusscogarden.com>

January 30, 2017

Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

I write this letter in support of Quinn Aviation's request that its property located at 6106 Southwest Drive be rezoned as commercial use, or at least that they can continue the existing use of the business indefinitely. I live to the north of Quinn Aviation at 3500 Big Creek Cove. My business, Valley View Agri-Systems, is approximately a mile and a half west of Quinn Aviation. It is my desire that Quinn Aviation continue to operate as a crop dusting service at the property. Quinn Aviation is a great business for our community and has never been a disturbance or safety concern to my knowledge. If you need further information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Fred Cathcart". The signature is fluid and cursive, with a long horizontal line extending to the right.

Fred Cathcart

fred@valleyviewagri.com

3500 Big Creek Cove
Jonesboro, AR 72404

January 16, 2017

Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

I have been made aware that Quinn Aviation has requested that its property located at 6106 Southwest Drive be rezoned as commercial use, or at least that they can continue the existing use as a flying service. I farm to the south and east of Quinn Aviation. I've farmed there since 1980. I ask this Council to approve the request so Quinn Aviation can continue to operate as a crop dusting service at the property. Quinn Aviation is a good company, and everyone around here enjoys having them. After personally seeing their business operations for over thirty-five years, I can attest to them not being a safety concern at all. I can also attest to them not being a disturbance. If you have any questions or would like to discuss this matter, please do not hesitate to contact me.

Sincerely,



Mark Wimpy
20607 Duckswater Street
Jonesboro, AR 72404

January 17, 2017

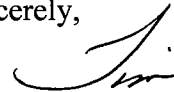
Jonesboro City Council
300 South Church Street
Jonesboro, AR 72401

RE: Quinn Aviation

To Whom It May Concern:

I send this letter in support of Quinn Aviation's request to the City Council to rezone its property as commercial or to be able to indefinitely continue its business operations at its current location. I've resided near the business for a number of years now and built my house there knowing that Quinn Aviation was in operation nearby. I ask this Council to approve the request so Quinn Aviation can continue to operate as a crop dusting service at the property. I've personally witnessed their business operations, and the business is not a disturbance or a safety hazard. Please let me know if there is any other information that would be helpful to you in your determination.

Sincerely,



Tim Fitzgerald
854 CR 431
Jonesboro, AR 72404

City of Jonesboro Metropolitan Area Planning Commission
Staff Report – RZ 16-09: 6106 Southwest Drive
 Municipal Center - 300 S. Church St.
For Consideration by the Commission on June 14, 2016

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

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

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

LOCATION: 6106 Southwest Drive, Jonesboro, AR 72401

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

SURROUNDING CONDITIONS:

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

HISTORY: On August 19th, 2008 the city council of the city of Jonesboro Arkansas passed and approved ORD_08:045 annexing this land to a zoning classification of RS-1.

ZONING ANALYSIS

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

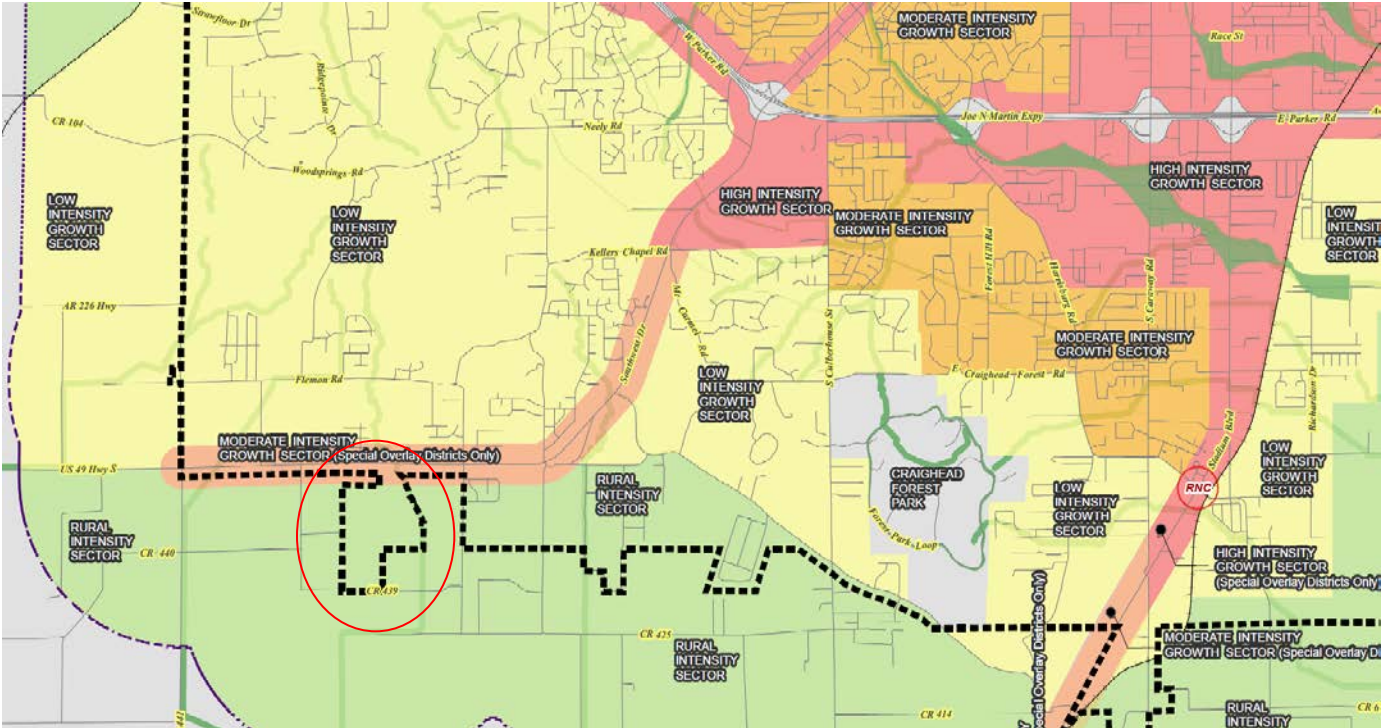
COMPREHENSIVE PLAN LAND USE MAP

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

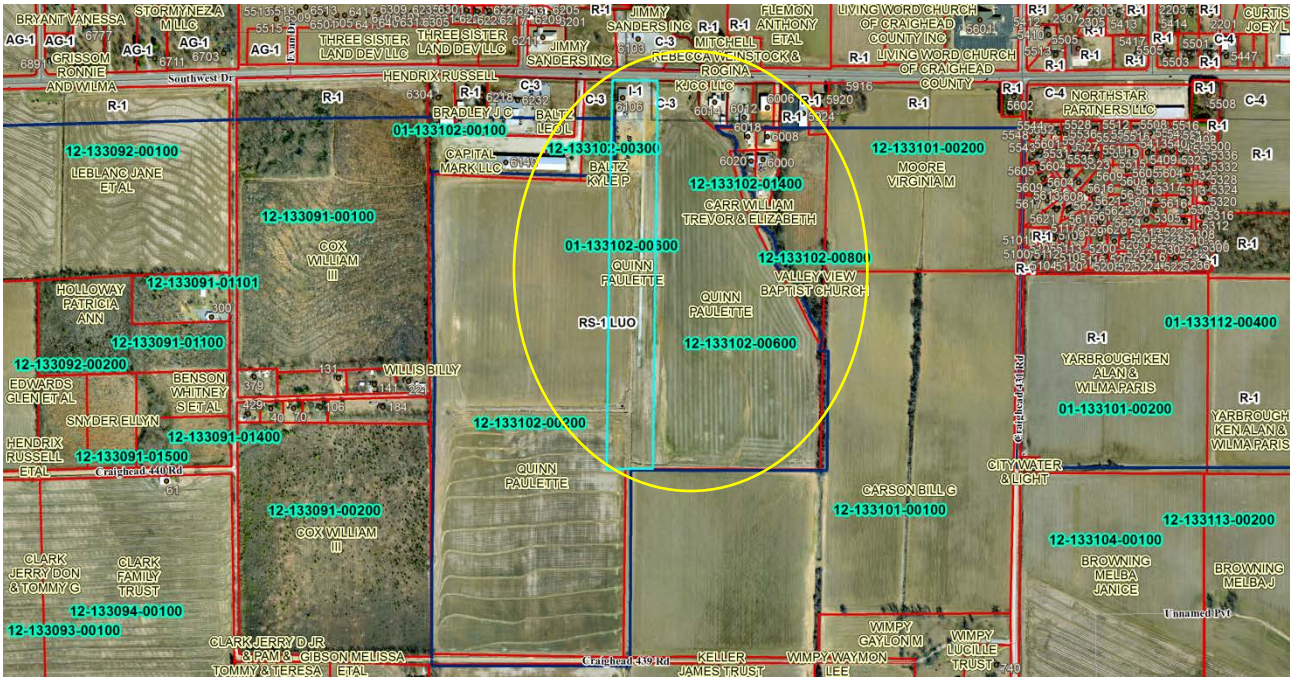
This entire acreage was proposed to eventually become single family residential with the preexisting crop airstrip having an expiring approval. There are perusal compliance with the land use plan is achieved if the airstrip will be discontinued.

Master Street Plan/Transportation

The subject site is served by highway 495/southwest Dr. which on the Master Street Plan is defined as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment. The recommended right-of-way is 120 feet. Any replat should satisfy the minimum requirement.



Adopted Land Use Map






Aerial/Zoning Map

Approval Criteria- Chapter 117 - Amendments:

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

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map.	The proposed I-1 district is partially consistent with the Future Land Use Plan, which was categorized as moderate family of rural sector	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, once the single family use is implemented.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This area already has several commercial developments along Southwest Drive. Including agricultural crop forming.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Property has continued to be used as an airstrip.	

<p>(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.</p>	<p>This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses of future residential and the airstrip were discounted.</p>	
<p>(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.</p>	<p>Property is not vacant.</p>	
<p>(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.</p>	<p>Minimal impact if rezoned due to the fact that business currently exist with only minor upgrades. No immediate changes are inevitable</p>	

Staff Findings:

Applicant's Purpose:

This parcel was part of a larger annexation in 2008. The purpose of the annexation was to develop residential property to the south, which would have resulted in relocation or terminator of the airstrip. Residential development has not occurred and the proper zoning for the airstrip is I-1. The property is currently zoned as RS-1 but recognizing a preexisting non-conforming use as it is defined in the chapter 117 of the Jonesboro municipal code. The airstrip is used for (agri-chemical application). The location of the business is upon adjoining property within the city of Jonesboro, Arkansas and currently zoned as I-1. Chapter 117 of the Jonesboro municipal code intends to apply to the non-conforming uses described above. The property above is due to expire August 19th, 2018 as conditioned in the ordinance ORD-08:045. In order to renew the permit to use the airstrip there should be an agreement that if the property were developed as residential, the airstrip will automatically be expired, and reverted back to residential.

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

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

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No objections to this rezoning to date.	
Streets/Sanitation	No objections to this rezoning to date.	
Police	No objections to this rezoning to date.	
Fire Department	No objections to this rezoning to date.	
MPO	No objections to this rezoning to date.	
Jets	No objections to this rezoning to date.	
Utility Companies	No objections to this rezoning to date.	

Zoning Code Allowable Uses:

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

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

Conclusion:

The Planning Department Staff finds that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-09, a request to rezone property from “RS-1 L.U.O” to “I-1”, subject to the following conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.

Respectfully Submitted for Planning Commission Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Sample Motion:

I move that we place Case: RZ 16-09 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that changing the zoning of this property from “RS-1” LUO to the proposed “I-1”, L.U.O will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future.

Site Photographs



View looking south toward property site



View looking North East



View looking at property west of the site



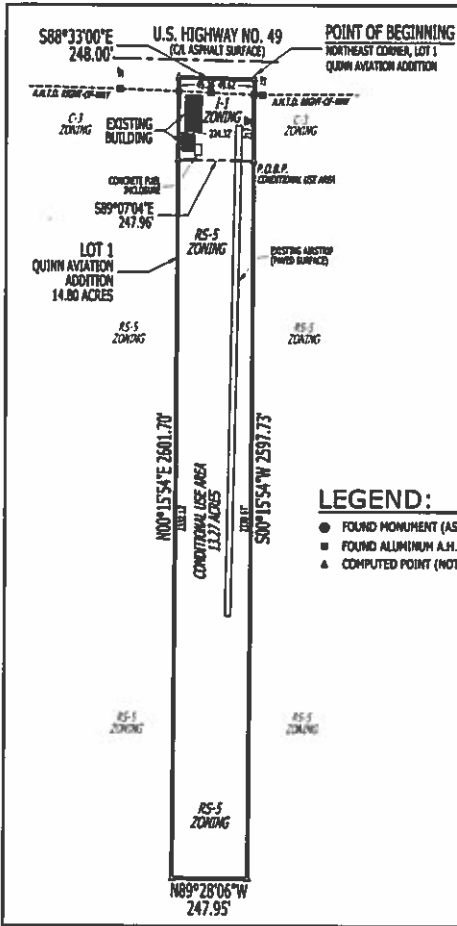
View looking West



View Looking west on Hwy. 49 S.



View Looking East On Hwy. 49 S.



POINT OF BEGINNING
NORTHEAST CORNER, LOT 1
QUINN AVIATION ADDITION

LEGEND:

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

SURVEYOR'S NOTES:

- 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 TO COMPLETE THIS SURVEY:
 - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK H, PAGE 32, DATED SEPTEMBER 26, 1963.
 - RECORD PLAT, QUINN AVIATION ADDITION, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK B, PAGE 79, DATED SEPTEMBER 27, 1991.
 - PLAT OF SURVEY, BY JASON H. BRANCH, P.S. 1596, SLS NO. 200807090024, DATED APRIL 16, 2008.
 - RIGHT-OF-WAY PLANS, A.H.T.D. JOB NO. 100611, DATED APRIL 15, 2013.
- THE SUBJECT PROPERTY LIES OUTSIDE THE 100 YEAR SPECIAL FLOOD HAZARD ZONE, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP: PANEL NO. 05031C0150C, DATED SEPTEMBER 27, 1991.
- SUBJECT PROPERTY IS I-1, LIMITED INDUSTRIAL DISTRICT AND RS-5, SINGLE-FAMILY RESIDENTIAL DISTRICT.
- ZONING REQUIREMENTS:
 - I-1 ZONING:
 - STREET SETBACK - 25'
 - SIDE SETBACK - 10'
 - REAR SETBACK - 20'
 - RS-5 ZONING:
 - STREET SETBACK - 25'
 - SIDE SETBACK - 7.5'
 - REAR SETBACK - 20'
- FIELD WORK WAS COMPLETED ON DECEMBER 04, 2015.

DESCRIPTION: (CONDITIONAL USE AREA)

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

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

READINGS BASED ON ARKANSAS STATE PLANE GRID NORTH ZONE (0801)

RIDGE SURVEYING & CONSULTING, PLLC.
311 South Church St., Jonesboro, AR 72401 870-263-4940
mrs@ridgesurveying.net

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

CERTIFICATE OF AUTHORIZATION
RIDGE SURVEYING & CONSULTING PLLC
No. 2946
ARKANSAS

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
12/14/2015
TERRY P. MCNEEL

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

REVISIONS

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

