

APPEAL TO THE JONESBORO CITY COUNCIL

REQUEST FOR HEARING ON APPEAL FROM THE METROPOLIAN AREA PLANNING COMMISSION

Come the appellants, Wade and Katrina Carpenter, by and through their attorneys, Mooney Law Firm, P.A., and for their appeal from the decision of the Metropolitan Area Planning Commission, states:

1. Appellants are the owners of the following described real property located in Craighead County, Arkansas, to-wit:

Lot 8 of Clearview Estates Subdivision of the Southeast Quarter of the Southeast Quarter, Section 3, Township 13 North, Range 3 East.

2. The property is an .88 acre tract located at 5416 Maple Valley Drive, Jonesboro, Arkansas.

3. Appellants and their predecessor in title have owned this property for many years, having purchased the property from the City of Jonesboro who used the property as a city fire station for many years.

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

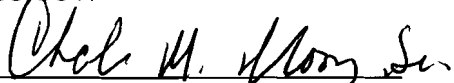
5. The action by the Metropolitan Area Planning Commission in refusing to rezone the property according to its highest and best use and for its intended use violates appellants' due process rights and equal protection rights as guaranteed by the United States Constitution and the Constitution of the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

6. Appellants state that they have adequate grounds for appeal and the action of the Metropolitan Area Planning Commission in refusing to recommend rezoning of said property as requested is without basis in law or fact. Further, the action of the Metropolitan Area Planning Commission is arbitrary and capricious as well as in violation of appellants' constitutional rights and the City Council should hear the appeal and override the action of the Metropolitan Area Planning Commission and rezone the property to a C-4 L.U.O. zoning classification.

7. Appellants state that the interim city planner recommended the change in zoning.

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

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By 

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