



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, July 2, 2013

5:30 PM

Huntington Building

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

City Council Chambers, Huntington Building

PUBLIC HEARING AT 5:15 P.M.

Regarding an abandonment of part of the undeveloped portion of Avenir Place cul-de-sac, lying at the west end of the platted right-of-way of Avenir Place as requested by RD&D Investments.

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

COM-13:045 QUALITY OF LIFE PRESENTATION BY LT. TODD NELSON

Sponsors: Mayor's Office

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-13:052 Minutes for the City Council meeting on June 18, 2013

Attachments: [Minutes](#)

RES-13:087 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

Sponsors: Mayor's Office

Legislative History

6/25/13	Finance & Administration Council Committee	Recommended to Council
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6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-13:026 AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE FOR PROPERTY LOCATED AT 4021 SOUTHWEST DRIVE AS REQUESTED BY KAGLE & SHARON HUFF

Attachments: [Plat](#)
[Staff Summary RZ 13-07 Kagle Huff Council](#)

ORD-13:027 AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141

Attachments: [Adjacent property owner consent](#)
[Utility Letters](#)
[Plats](#)
[Planning Letter](#)
[Petition](#)
[Letter regarding Centerpoint Energy](#)

ORD-13:028 AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-C FOR PROPERTY LOCATED ON THE EAST SIDE OF US 63, EXIT 40 BETWEEN WEST PARKER ROAD AND INGELS ROAD AS REQUESTED BY LOVE'S TRAVEL STOP

Attachments: [Plat](#)
[Traffic Engineer Recommendations](#)
[Staff Summary RZ 13-06 Loves Rezoning COUNCIL](#)

RESOLUTIONS TO BE INTRODUCED

RES-13:099 RESOLUTION TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REZONING OF PROPERTY FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL FACILITIES WHILE THE CITY REVIEWS PROPOSED CHANGES TO ITS ZONING REGULATIONS; AND FOR OTHER PURPOSES

Legislative History

6/18/13	Public Safety Council Committee	Recommended to Council
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7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-13:024 AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 FOR PROPERTY LOCATED AT 909 SOUTHWEST DRIVE AS REQUESTED BY LOUIS & PAULA WEWERS

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

Legislative History

6/18/13 City Council Waive 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.

Discussion by Ms. Debbie Pelley concerning the moratorium ordinance

11. ADJOURNMENT



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-13:045 **Version:** 1 **Name:** Quality of Life presentation by Lt. Todd Nelson
Type: Other Communications **Status:** To Be Introduced
File created: 6/25/2013 **In control:** City Council
On agenda: **Final action:**
Title: Quality of Life presentation by Lt. Todd Nelson
Sponsors: Mayor's Office, Code Enforcement
Indexes: Presentations
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Quality of Life presentation by Lt. Todd Nelson



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-13:052 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 6/21/2013 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on June 18, 2013
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the City Council meeting on June 18, 2013



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 18, 2013

5:30 PM

Huntington Building

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 4:50 P.M.

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

PUBLIC HEARING AT 5:20 P.M.

Regarding a telecommunications easement at 5726 Bowden Drive as requested by William Conrad

No opposition was voiced.

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 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

4. SPECIAL PRESENTATIONS

COM-13:042 Rev. Adrian Rogers Jail Ministry presentation

Sponsors: Mayor's Office

Rev. Rogers discussed the jail ministry. He has been chaplain at the jail since December, 2011. They have distributed almost 800 bibles and 500 pairs of glasses during his time there. Over 2,300 people have received salvation. They have services on Saturdays and Sundays and are working on scheduling Wednesday services back in. Many people have also been baptized and over 200 people have been put into rehab and now have success stories. The rehabs last from 8 months to a year, with freedoms earned along the way. They believe the program is working. Their desire is to minister to people so they don't end up back in jail.

This item was Read.

COM-13:043 Check presentation from Post for the Miracle League to Mayor Perrin and Heather Clements

Sponsors: Mayor's Office

A representative from Post Foods presented the City with a check for the Miracle League. Mayor Perrin thanked her for the check.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Mitch Johnson, seconded by Councilman Chris Gibson, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice 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

MIN-13:048 Minutes for the City Council meeting on June 4, 2013

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-13:069 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM GREG NALL AND STEPHANIE NALL FOR STREET IMPROVEMENTS AND MAINTENANCE

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-073-2013

RES-13:070 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM EAVES CONSTRUCTION, L.L.C. FOR STREET IMPROVEMENTS AND MAINTENANCE

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-074-2013

RES-13:071 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM VIVETTA REVA BRADY FOR STREET IMPROVEMENTS AND MAINTENANCE

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-075-2013

RES-13:080 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO REQUEST FROM CITY WATER AND LIGHT TO PROVIDE FREE UTILITY SERVICE TO THE SOUTHSIDE BALL PARK

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-076-2013

RES-13:081 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR NETTLETON PUBLIC SCHOOLS INTERMEDIATE SCHOOL MINOR PLAT, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
 [Plat](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-077-2013

RES-13:083 A RESOLUTION TO CONTRACT WITH JONESBORO RADIO GROUP FOR RENTAL OF SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Fourth of july jbr southside](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-078-2013

RES-13:084 A RESOLUTION TO CONTRACT WITH DELTA DENTAL OF ARKANSAS FOR SPONSORSHIP OF A BASEBALL FIELD AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Delta Dental sign contract 052113](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-079-2013

RES-13:085 A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF CRAIGHEAD FORREST PARK

Sponsors: Parks & Recreation

Attachments: [EAB Contract](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-080-2013

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-13:022 AN ORDINANCE TO VACATE AND ABANDON A 10' TELECOMMUNICATIONS EASEMENT AND DECLARING AN EMERGENCY FOR THE PURPOSE OF EXPEDITING CONSTRUCTION BY THE PROPERTY OWNER, WILLIAM CONRAD

Attachments: [Application Form](#)
[Petition](#)
[Planning Letter](#)
[Plat](#)
[Utility Letters](#)

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

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

After passage of the ordinance, Councilman Gibson motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Chris Gibson, seconded by Councilman Darrel Dover, 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: O-EN-021-2013

ORD-13:024 AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 FOR PROPERTY LOCATED AT 909 SOUTHWEST DRIVE AS REQUESTED BY LOUIS & PAULA WEWERS

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

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

Councilman Street questioned whether there was any opposition. City Planner Otis Spriggs answered no.

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, to Waive Second Reading . 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

RESOLUTIONS TO BE INTRODUCED

RES-13:077 A RESOLUTION TO SET PUBLIC HEARING REGARDING AN ABANDONMENT OF PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.

Sponsors: Engineering and Planning

Attachments: [Petition](#)
[UtilityLetters](#)
[PLATS-Abandonment](#)
[Centerpoint Letter](#)
[Adjacent owners consent](#)

A motion was made by Councilman Chris Gibson, seconded by Councilman Mitch Johnson, 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-081-2013

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-13:020 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-7 AND R-1 TO PD-RM FOR PROPERTY LOCATED AT KEELY AND LEXEE STREETS AS REQUESTED BY UNICO BANK

Attachments: [Plat](#)
[MAPC Report](#)
[MAPC Record of Proceedings December 11 2012](#)
[MAPC Record of Proceedings March 12 2013](#)
[Opposition material](#)
[Opposition petition](#)

Attorney Don Parker, representing Unico Bank, discussed the proposed rezoning. The property lies on the edge of the City limits near Ingels Road. Unico Bank is currently purchasing the Watson Family Trust parcel in order to provide access to a portion of the Unico Bank tract from Ingels Road. The MAPC voted in favor of the rezoning. There are two proposals, both tracts are currently zoned R-1. The first proposal is for RS-7 consisting of 8.81 acres, which will mirror the adjacent development, Caldwell Acres. Caldwell Acres is currently zoned R-3 with a limited

use overlay. The second proposal is for PD-RM. That proposal will be 40 acres. The RS-7 proposal will act as a buffer between Caldwell Acres and the PD-RM development. The RS-7 property will be accessed solely by Keely and Lexee and will allow for those streets to be connected, which will improve fire and health coverage in Caldwell Acres. The project will result in a total of 217 mixed units consisting of 37 single-family lots, 22 single-level duplex lots, 12 single-level fourplex lots and 22 townhouse-style fourplex lots. Density in the RS-7 area is 5.2 units per acre and is consistent with the density in Caldwell Acres. The density in the planned development is virtually identical to Caldwell Acres at 5.4 units per acre. As required by planned development, a minimum of 7.9 acres must be set aside for common areas, but they will have 8.36 acres set aside which will include an area at the entrance for a bus stop and/or MATA stop. The rent in the planned development will range from \$800 to \$950. He then discussed the history of the proposal as it went through MAPC. Mr. Parker explained Unico spent \$23,000 on a hydrology study to determine the floodway and the developments' affect on the floodway. It was determined the development would not change or adversely affect the floodway location.

Mr. Parker further explained the opponents have three main concerns: increased traffic, increased crime and depreciating property values. The access to the proposed development will solely be through Ingels Road, which is labeled as a minor arterial road with the Land Use Plan. Multi-family developments are permissible on minor arterial roads. There will be no access via Lexee or Keely. There will be less traffic on Lexee and Keely with the planned development as opposed to developing the area as single-family residential with sole access on those streets. If the entire development was constructed as single-family, there would be 111 additional lots that would use Lexee and Keely as opposed to the 37 on the proposed plan. Given the density at 5.4 units per acre, the planned development will not result in any more traffic since the density is practically identical to that of the RS-7 property and Caldwell Acres. In fact, the number of cars will be smaller than that if it was a single-family development since single-family attracts more families.

Regarding crime, statistics show crime increases when there is a higher density of people living in a small geographic area. Crime hot spots tend to be around those smaller areas with a higher density of people. But, the density in this planned development is 5.4 units per acre, which is virtually identical to Caldwell Acres' 5.2 units per acre.

Regarding property values, this is no evidence that multi-family developments decrease property values in adjacent neighborhoods. If there were any data the opponents would have presented it. But, the opponents didn't present it because there is none to support this concern.

The planned district gives the MAPC and Council extensive control over the development of the property. If the development doesn't go as proposed, the developer must go back before the MAPC and Council. Additional requirements and stipulations may be required during site plan review. By providing the single-family buffer in the RS-7 area, Unico Bank is assuming the economic risk of selling the property. No residents of Caldwell Acres are being asked to assume that risk. The proposal will allow for orderly transition from single-family housing to single-family duplexes, to single-family fourplexes and then to townhouse-style fourplexes.

The property is located on the edge of city limits. The project will be one mile from the bypass and half-mile from Optic Fiber Park. Willow and Ingels Roads are sparsely populated. There are no large-scale multi-family developments near, thus avoiding a high concentration of multi-family developments. They asked for the Council to focus

solely on this proposal and judge it on its own merits.

Mr. Doug Ward, 3407 Colony Drive, complimented Councilman Moore for his proposal regarding a moratorium on multi-family housing. He recommended a new system for readings with the MAPC and Council in order to not wear people down over possibly a long amount of time. He explained water from over half the city goes to that part of town and that he can't believe they are thinking of putting more residences in that part of town. He noted the local school district still hasn't been contacted as suggested by MAPC. Mr. Ward added city infrastructure is not ready to handle this development. He further explained 289 citizens in that area have signed the opposition petition. He asked for the Council to do the right thing for the citizens and city as a whole.

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

Aye: 4 - Ann Williams; Charles Frierson; Gene Vance and Charles Coleman

Nay: 8 - Darrel Dover; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods and Mikel Fears

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The Street Department is working on both ends of Bittle Street to Nettleton. They are correcting and straightening out the area on Highland by Arby's. They are also putting in a dedicated right-hand turn lane if you are going north on Bittle turning west.

Last week, the City received a grant for \$1.1 million from the Federal Transportation Authority to renovate the fire station at Caraway and Matthews. They will also use the money to put sidewalks on both sides of Caraway to Washington and going back to Nettleton. There will be no cash spent out of the General Fund to match that grant.

The Street Department is working on two new fields at Joe Mack Campbell Park. In 2015, the City will be hosting the 12 and older Cal Ripken World Series. They will be also working on the concession stands.

They are ahead of schedule with the construction of the new Council Chambers at the Municipal Center. The chambers should be ready to be used at the second meeting in August.

Several delegates will be leaving for the Municipal League Conference tomorrow. He encouraged everyone to attend the conference.

9. CITY COUNCIL REPORTS

Councilwoman Williams motioned, seconded by Councilman Gibson, to suspend the rules and place ORD-13:023 on the agenda. All voted aye.

ORD-13:023

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF METRO CONNECTIONS FOR A COMMUNICATIONS TOWER, THE PROPOSED NEW FIRE LOCATION (TOWER PARK), GUEST NETWORK SERVICES LOCATED AT 300 S. CHURCH STREET AND THE CITY'S AIRPORT FACILITY FOR THE CITY OF JONESBORO

Sponsors: Information Systems

Attachments: [Quote City of Jonesboro Church Street 05 15 13](#)
[Quote City of Jonesboro Lindbergh 05 15 13](#)
[Quote City of Jonesboro Neely 05 15 13](#)
[Quote City of Jonesboro Strawfloor 05 15 13](#)

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

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

After passage of the ordinance, Councilwoman Williams motioned, seconded by Councilman Gibson, to adopt the emergency clause. All voted aye.

A motion was made by Councilman John Street, seconded by Councilman Darrel Dover, 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: O-EN-022-2013

Councilman Moore motioned, seconded by Councilman Johnson, to suspend the rules and add RES-13:099 to the agenda. Councilman Vance asked that the rules regarding walk-ons by committees be read into the record. Councilman Moore withdrew his motion, explaining that Councilman Vance is correct that because of one nay vote on the resolution in the committee that the resolution cannot be walked on to the Council agenda. Councilman Vance stated he is not in opposition to it being walked on; rather, he just wanted the rules to be read before the resolution is voted on. Councilman Moore further explained that the rules clearly state that due to Councilman Vance's opposition the resolution cannot be added to the agenda tonight. He asked that the resolution be added to the next Council agenda. Councilman Johnson withdrew his second on the motion.

Councilman Moore thanked the administration for the improvements at the intersection of Fair Park and Highland and Bittle. He stated the extra lane will be important for the flow of traffic.

Councilman Coleman thanked the administration for the proclamation that will be read at the park.

Councilman Vance reiterated that he had no prior knowledge of the rules regarding walk-ons from a committee until after the vote was taken at the committee meeting. It was brought to his attention by someone in the audience.

10. PUBLIC COMMENTS

Attorney Don Parker encouraged the Council to define the term "temporary" when they consider the resolution regarding the moratorium and explain what the time period will be. He explained he knew there were problems in Bryant when they attempted a similar solution. He noted the Council will have the authority to extend

the temporary moratorium should the committee the Mayor will appoint need additional time.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilwoman Ann Williams, 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-13:087 **Version:** 1 **Name:** Tax back program for Camfil APC
Type: Resolution **Status:** Recommended to Council
File created: 6/10/2013 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).
Sponsors: Mayor's Office
Indexes: Tax Back Program
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
6/25/2013	1	Finance & Administration Council Committee		

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use tax as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Camfil APC located at 3505 S. Airport Road, Jonesboro, Arkansas, has sought to participate in the program and more specifically has requested benefits accruing from adding New Construction to the specific facility; and

WHEREAS, Camfil APC, has agreed to furnish the local government all necessary information for compliance.

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

Section 1: Camfil APC, be endorsed by the City Council of Jonesboro, Arkansas for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.

Section 2: The Department of Finance and Administration is authorized to refund local sales and use tax to Camfil APC.

Section 3: This resolution shall take effect immediately.



Legislation Details (With Text)

File #: ORD-13:026 **Version:** 1 **Name:** Rezoning by Kagle and Sharon Huff
Type: Ordinance **Status:** First Reading
File created: 6/18/2013 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE FOR PROPERTY LOCATED AT 4021 SOUTHWEST DRIVE AS REQUESTED BY KAGLE & SHARON HUFF
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[Staff Summary RZ 13-07 Kagle Huff Council](#)

Date	Ver.	Action By	Action	Result
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AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE
WHEREAS, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST, IN CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, THENCE N00°05'34"W 438.50 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 TO THE POINT OF BEGINNING; CONTINUE THENCE N00°05'34"E 282.60 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER TO A POINT, THENCE N89°54'26"E 1072.51 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SOUTHWEST DRIVE (US HWY 49S), THENCE S19°51'27"W 300.75 FEET ALONG SAID RIGHT OF WAY TO A POINT, THENCE S89°54'37"W 969.77 FEET TO THE POINT OF BEGINNING, CONTAINING SOME 6.63 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

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

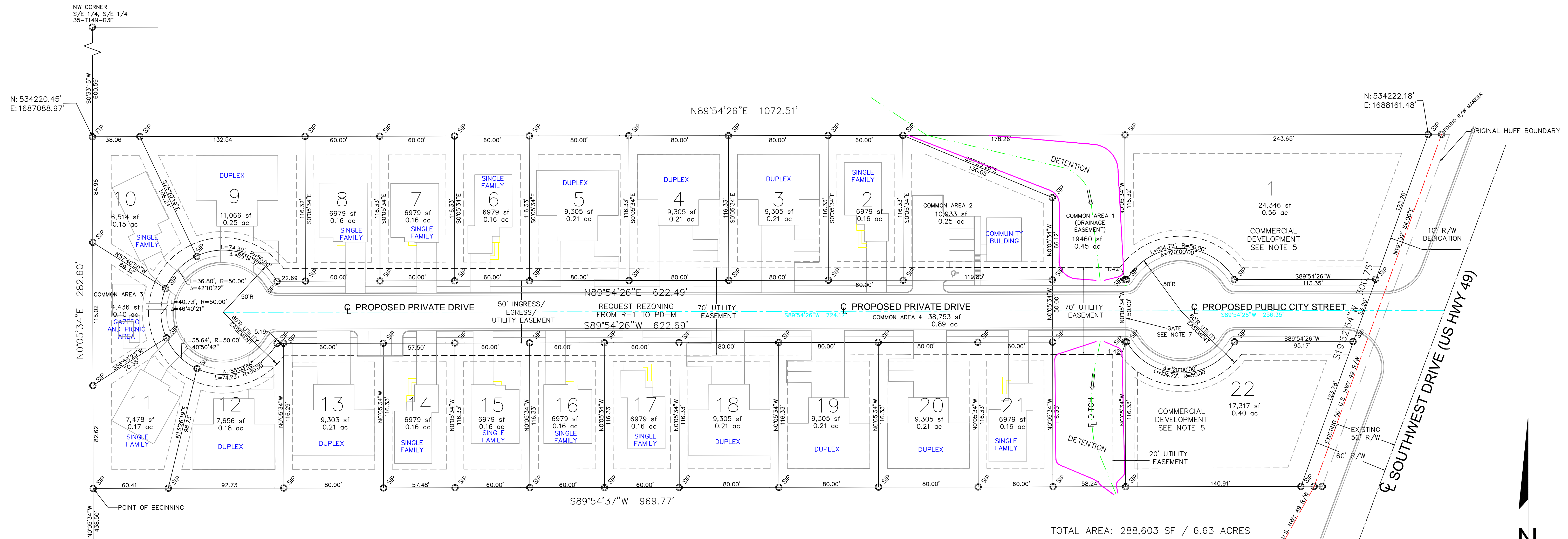
A request that Chapter 117, known as Zoning Ordinance, be and the same is hereby amended by the change in Zoning District Classification from R-1 Residential to PDM Planned Multiuse, for the following described property:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST; and be restricted by the following conditions:

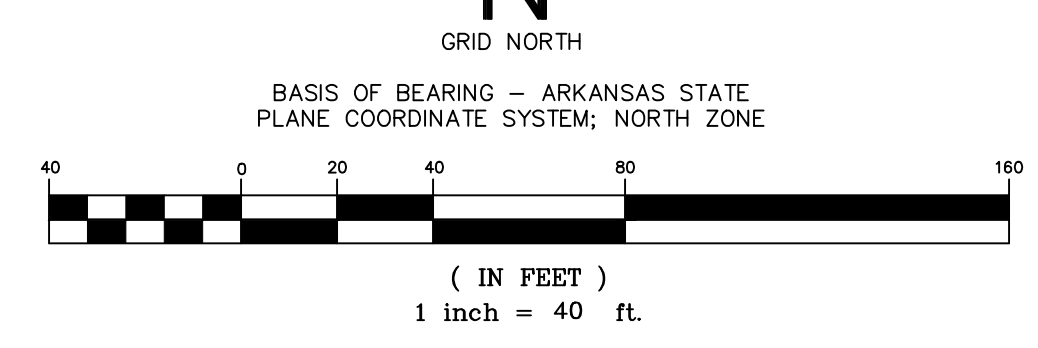
1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all

requirements of the current Stormwater Drainage Design Manual.

2. That a "Final Development Plan" be submitted and reviewed by the MAPC prior to any future development of the proposed site. Final Landscaping and signage plans shall be submitted.
3. The applicant shall submit a copy of the Bill of Assurances for the Planning Department files/records before final occupancy assuring that common areas shall be maintained by the property owner's association or owners/assignees.
4. The maximum allowed units shall not exceed 11- Single family homes and 9- duplex buildings.
5. The following list of uses shall be excluded: sexually explicit businesses, shops that specialize in tobacco and/or liquor sales.
6. The gated entrance to the residential development shall be equipped with a Knox box in conformance with the City of Jonesboro Fire Department and E911 division.
7. The applicants/owners should be restricted and prohibited from adding driveways on to Highway 49 S. Access shall be limited to the proposed City Street.
8. Applicant/owners agree to the dedication of required right of way for Hwy. 49 in satisfaction of the Master Street Plan. A final plat depicting such shall be submitted and recorded.
9. Shared or cross/access agreements should be considered at site plan approval for any abutting commercial to the north of south of the development.



TOTAL AREA: 288,603 SF / 6.63 ACRES



DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST, IN CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, THENCE N00°05'34"W 438.50 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 TO THE POINT OF BEGINNING;
 CONTINUE THENCE N00°05'34"E 282.60 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER TO A POINT, THENCE N89°54'26"E 1072.51 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SOUTHWEST DRIVE (US HWY 49S), THENCE S19°51'27"W 300.75 FEET ALONG SAID RIGHT OF WAY TO A POINT, THENCE S89°54'37"W 969.77 FEET TO THE POINT OF BEGINNING, CONTAINING SOME 6.63 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT McALISTER ENGINEERING HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS AND THAT ALL PROPERTY LINES AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CLARENCE W. McALISTER, PROFESSIONAL SURVEYOR NO. 1303 MAY 17, 2013

OWNER'S CERTIFICATION

WE, KAGLE HUFF AND SHARON HUFF, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AND THAT WE HEREBY REQUEST A CHANGE OF ZONING FROM R1 TO PD-M AS SHOWN HEREON, AND HEREBY DEDICATE ADDITIONAL RIGHT OF WAY AND EASEMENTS AS SHOWN HEREON FOR THE PERPETUAL USE OF THE PUBLIC.

KAGLE HUFF MAY 17, 2013

SHARON HUFF MAY 17, 2013

NOTES:

1. PROPERTY OWNER: KAGLE HUFF
2. PROPERTY NOT LOCATED IN THE 100 YEAR FLOODPLAIN AS SHOWN BY FLOOD INSURANCE RATE MAP NUMBER 050048 PANEL 150 C DATED SEPTEMBER 27, 1991
3. ZONING INFORMATION - CURRENT: RESIDENTIAL ONE (R1), PROPOSED: PLANNED UNITS DEVELOPMENT/MULTI-USE (PD-M)
4. BILL OF ASSURANCE TO INCLUDE FORMATION OF PROPERTY OWNER'S ASSOCIATION TO MAINTAIN COMMON AREAS
5. COMMERCIAL DEVELOPMENT LIMITED TO BUSINESSES THAT MAINTAIN THE GENERAL CHARACTER OF THE AREA. EXCLUSIONS INCLUDE SEXUALLY EXPLICIT BUSINESSES; SHOPS THAT SPECIALIZE IN TOBACCO AND/OR LIQUOR SALES, ANY ESTABLISHMENT THAT MINORS SHOULDN'T BE SUBJECTED TO, AND ANY DEVELOPMENT THAT THE PROPERTY OWNERS ASSOCIATION SHALL DEEM UNFIT. THERE SHALL BE NO ACCESS TO US HWY 49; ACCESS SHALL BE LIMITED TO PROPOSED PUBLIC CITY STREET AS SHOWN HEREON.
6. MINIMUM SETBACK REQUIREMENTS--
 STREET = 15'
 REAR = 15'
 SIDE = 7'
7. GATED ENTRANCE TO RESIDENTIAL DEVELOPMENT SHALL BE EQUIPPED WITH KNOX BOX IN CONFORMANCE WITH THE CITY OF JONESBORO FIRE DEPARTMENT, GIVING EMERGENCY RESPONDERS COMPLETE ACCESS TO RESIDENTIAL DEVELOPMENT.

REFERENCE DOCUMENTS:

1. ABSTRACT AND DESCRIPTION OF PROPERTY; PROVIDED BY CLIENT.
2. MEADOW WOOD SUBDIVISION PHASE 1 AS SHOWN ON PLAT RECORDED IN PLAT CABINET C AT PAGE 195 IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.
3. GRIFFIN PARK SUBDIVISION PHASE V AS SHOWN ON PLAT RECORDED IN PLAT CABINET C AT PAGE 166 IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.

LEGEND

- - FOUND IRON PIN (1" PIPE W/ BARE CAP)
- - SET IRON PIN (1" PIPE W/ McALISTER #1303 CAP)
- - COMPUTED POINT / POINT NOT SET
- - - - - SETBACK LINE

REZONING PLAT -- R1 TO PD-M

**PLANNED UNIT DEVELOPMENT
 HUFF ADDITION
 JONESBORO, ARKANSAS**

McALISTER ENGINEERING
 CIVIL ENGINEERING AND LAND SURVEYING
 1013 CR 620 JONESBORO, AR 72404
 870-931-1420

DRAWN BY: DM	CHECKED BY: CM
SCALE: 1" = 40'	
DATE: 12APR13	FILE: 1352133Huff.dwg
DWG REF. 03E-14N-35	JOB NO. 1352133
SHEET 2 / 6	
SURVEY #: 500-14N-03E-0-35-220-16-1303	

CLARENCE W. "MAC" McALISTER, PE, PS



DATE	REVISION	BY

City of Jonesboro City Council
Staff Report – RZ 13-07: Kagle Huff Rezoning – 4021 Southwest Drive
Huntington Building - 900 W. Monroe
For Consideration by the Council on July 1, 2013

REQUEST: To consider a rezoning of a parcel of land containing 6.63 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to PD-M – Mixed Use Planned Development District.

**APPLICANT/
OWNER:** Kagle & Sharon Huff, 2806 Harrisburg Road, Jonesboro, AR 72401

LOCATION: 4021 Southwest Drive, south of Keller’s Chapel Road and north of Ozark Drive

SITE DESCRIPTION: **Tract Size:** 6.63 acres/ 288,603 sq. ft.
Frontage: 300 ft. on Southwest Drive/Hwy. 49
Topography: Slopes range from 3:1 (33%) to 100:1 (1%). Most of site in the 10:1 – 20:1 (10% - 5%) range.
Existing Development: Residence

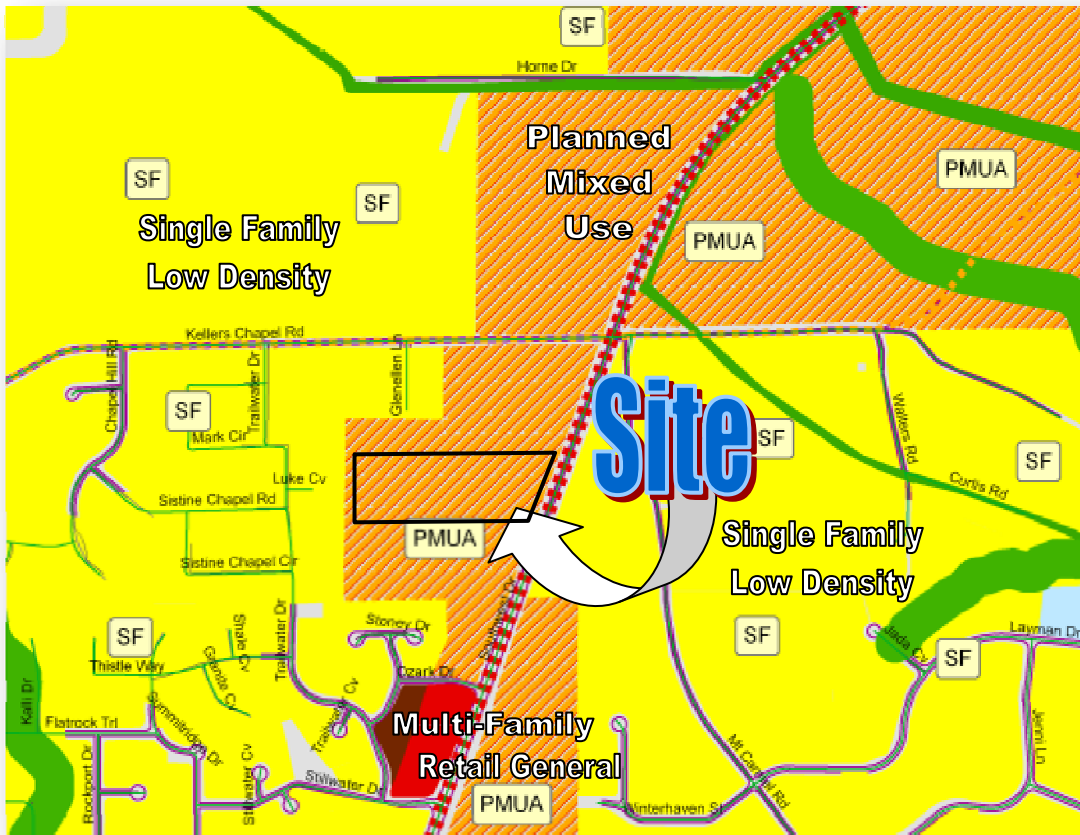
SURROUNDING CONDITIONS:	<u>ZONING</u>	<u>LAND USE</u>
North:	R-1	Residence
South:	R-1 C-3	Unimproved Office Building & Storage Warehouse
East:	R-1 C-3 LUO	Retail Store, Service Repair Garage, Office Building, & Storage Warehouse Unimproved
West:	R-1	Meadow Wood Subdivision
Northwest:	R-1	Unimproved

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 Planned Mixed Use. The proposed rezoning to PD-M – Mixed Use Planned Development District is consistent with the adopted land use map.



Adopted Land Use Map

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:

Criteria	Consistent (Yes or No)	Explanation
(a) Consistency of the proposal with the Comprehensive Plan	Yes. Plan Update is Pending.	See Land Use Section Above.
(b) Consistency of the proposal with the purpose	Yes.	Meets the criteria for a Mixed Use Planned Development

of the zoning ordinance.		District
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	Yes.	Commercial, single family residential, and multifamily residential uses currently in the vicinity.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Minimal suitability.	Property would yield a maximum of (31) R-1 lots with a cul-de-sac length variance. However, the narrow site and existing topography are restrictive.
(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;	Minimal detrimental effects.	Ingress/egress at Southwest Drive is a concern Provisions for shared access may be considered with concern to the commercial portion of the development.
(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	N/A	
(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.	With a few exceptions the associated impacts are minimal	Additional multifamily units (duplexes) stretch the limited public safety resources. Common open space, sidewalks, community building, and picnic/gazebo area is proposed.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Southwest Drive, which is on the Master Street Plan is defined as a Principle Arterial. The 60 ft. right of way from the highway centerline as shown on the plat satisfies the Master Street Plan recommendation.

Access management is a concern of staff. The applicants/owners should be restricted and prohibited from adding driveways on to Highway 49 S. Access shall be limited to the proposed City Street. Staff also raises a concern for pull-out traffic on the Hwy. 49S. The applicant should consider adding a turn-lane on the new Public Street to eliminate development congestion during busy hours.

Ordinance Compliance Review for Proposed Rezoning to PD-M – Mixed Use Planned Development District:

(8) dwelling units per residential acre is allowed. (5.39) is proposed.
20% of the total development is required to be open space, 25.5% is proposed.

Building heights:

- (a) Building A – Single family = 15 ft.
- (b) Building B – Single family = 17.5 ft.
- (c) Building C – Duplex = 17 ft.

The minimum requirement of (2) parking spaces per unit is exceeded. (29) residential units and (1) community building requires (30) trees and (90) shrubs. (20) trees and (209) shrubs are proposed. The (20) trees are proposed to be the same species. For each quantity of (10) trees, a differing species is required to be used. Staff is satisfied with the landscape proposal.

The list of permitted uses is proposed in the form of exclusions. “Exclusions include sexually explicit businesses, shops that specialize in tobacco and/or liquor sales, any establishment that minors shouldn’t be subjected to, and any development that the property owners association shall deem unfit.”

The applicants were afforded Conceptual Review for the Planned Development District in the May MAPC meeting. Concerns over the proposed cul-de-sac access has been noted. The applicant has proposed the placement of the commercial businesses in the front and residential in the rear. The developer hopes to market the development towards accessibility to serve the elderly community.

The residential street is designed as a private drive within the Planned Unit Development; while the commercial development is accessed off a proposed public street. The applicant is requesting approval for 11 SF homes and 9 duplexes intermixed with common space areas. The homes will have garages and the duplexes will have carports. A community building has been proposed adjacent to the Commercial uses and a park/gazebo area at very end of the private drive.

The developer has proposed sidewalks within the development.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Received	Voiced concerns over future connectivity.
Streets/Sanitation	Received	Noted no objection
Police	Received	Opposed the rezoning of the property as it applies to the multi-family units (Duplexes). The location of this additional housing will flow traffic onto an area of SW Drive that is currently one of the most congested & dangerous regions of our traffic systems. The additional housing also stretches limited public safety resources and until such a plan is adopted to address increased demand on public safety resources, concern is submitted.
Fire Department	Received	Noted no objection
MPO	Received	Voiced concerns over future connectivity. A separate connection to future or planned roadways should be provided.
Jets	Received	Noted no objection
Utility Companies	Received- CWL	Noted no objection

MAPC RECORD OF PROCEEDINGS: Hearing held on June 11, 2013:

Applicant: Josh Hurd, Project Manager for McAlister Engineering and Mr. Hardy Little, Architect presented the case before the Commission.

Staff:

Mr. Spriggs gave Staff Summary comments outlined in the report. This is a Planned District Development for a mixed use petition that was presented to the MAPC as a conceptual review previously. There is a mixture of single family, inclusion of duplexes and commercial to be situated on Highway 49 South.

Consistency is achieved with the adopted Land Use Plan as Planned Mixed Use Area. The Master Street Plan requirements are satisfied. Mr. Spriggs noted comments received from the Police Chief Yates opposing the rezoning of the property as it applies to the multi-family units (Duplexes). Chief Yates noted that the location of this additional housing will flow traffic onto an area of Southwest Drive that is currently one of the most congested & dangerous regions of our traffic systems. The additional housing also stretches limited public safety resources and until such a plan is adopted to address increased demand for public safety resources, concern is submitted. There were no further submitted objections by the other City departments or utility agencies on this proposal.

Mr. Spriggs noted the concerns of staff as it relates to access management. This was originally discussed during the conceptual review state. Mr. Spriggs noted that Staff recommends that the applicant consider restricting access directly on and off of Southwest Drive, but limit access to the City right of way/ public street proposed. This is noted on the plat. Consideration for a turn lane out of the development should be studied. The MPO office submitted comments noting concerns over future connectivity. A separate connection to future or planned roadways should be provided. This was also discussed during the conceptual review. Mr. Hurd stated that the subdivision to the west is already developed and cuts off that possibility. Mr. Spriggs stated that the standards for the units in terms of parking and building setback requirements are listed in the report and should be addressed during the Site Plan approval process. The conditions were read and Mr. Spriggs asked the applicants if they concurred; Mr. Hurd replied yes.

Staff has no other issues with the proposal, and is recommending approval subject to MAPC review of a final Site Plan in the future. Mr. Spriggs also recommended that the applicant considers a cross access agreement with the neighbor to the south to alleviate a bad intersection.

Public Input: None Present.

Commission Action:

Motion was made by Mr. Scurlock that Case: RZ-13-07 on the floor for consideration of the recommendation by MAPC to the City Council for the rezoning of this property from "R-1 Single Family Residential to PD-M - Mixed Use Planned Development District", with the staff conditions. MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area. Motion was seconded by Ms. Kim Schantz.

Roll Call Vote: Motion passed with a 6-0 vote recommending approval.

Mr. Dover- Aye; Ms. Nix- Aye; Mrs. Shrantz-Aye; Mr. Reece- Aye; Mr. Tomlinson- Aye; Mr. Scurlock- Aye; Mr. Lonnie Roberts- Chair; Absent were Mr. Kelton, Mr. Hoelscher.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Kagle and Sharon Huff should be evaluated based on the above observations and criteria, of Case RZ 13-07 noted above, a request to rezone property from “R-1 Single Family Residential to PD-M – Mixed Use Planned Development District”. The following conditions should be applied:

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 a “Final Development Plan” be submitted and reviewed by the MAPC prior to any future development of the proposed site. Final Landscaping and signage plans shall be submitted.
3. The applicant shall submit a copy of the Bill of Assurances for the Planning Department files/records before final occupancy assuring that common areas shall be maintained by the property owner’s association or owners/assignees.
4. The maximum allowed units shall not exceed 11- Single family homes and 9- duplex buildings.
5. The following list of uses shall be excluded: sexually explicit businesses, shops that specialize in tobacco and/or liquor sales.
6. The gated entrance to the residential development shall be equipped with a Knox box in conformance with the City of Jonesboro Fire Department and E911 division.
7. The applicants/owners should be restricted and prohibited from adding driveways on to Highway 49 S. Access shall be limited to the proposed City Street.
8. Applicant/owners agree to the dedication of required right of way for Hwy. 49 in satisfaction of the Master Street Plan. A final plat depicting such shall be submitted and recorded.
9. Shared or cross/access agreements should be considered at site plan approval for any abutting commercial to the north of south of the development.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



Existing residence on site.



View from eastern portion of site looking west.



View from western portion of site looking east.



View of southern property boundary looking east.



View of northern property boundary looking east.



R-1 property located east of site. Jack's Treasures Flea Market, The Treasure Hunt Flea Market, and a body shop to the rear.



Undeveloped C-3 LUO property located east of site.



Residence on adjoining R-1 property located north of site.



Outbuildings located behind residence on adjoining R-1 property located north of site.



View looking west toward Meadow Wood Subdivision located west of site.



Western property boundary of site from Meadow Wood Subdivision located west of site.



Adjoining C-3 property located south of site. NEA Batteries and McKisson Rentals.



Legislation Details (With Text)

File #:	ORD-13:027	Version:	1	Name:	Abandonment on Avenir Place
Type:	Ordinance	Status:		Status:	First Reading
File created:	6/19/2013	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141				
Sponsors:					
Indexes:	Abandonment				
Code sections:					
Attachments:	Adjacent property owner consent Utility Letters Plats Planning Letter Petition Letter regarding Centerpoint Energy				

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141

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

SECTION ONE: The City of Jonesboro, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to the portion of this right of way designated as follows:

LEGAL DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.026 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS

OF RECORD

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

Haywood, Kenward, Bare
AND ASSOCIATES, INC.
Civil Engineering - Surveying - Planning

July 13, 2012

Rhonda Boyer
1805 Avenir Place
Jonesboro, AR 72403-0954

RE: Request for a Partial Right-of-Way Abandonment

Dear Mrs. Boyer,

Haywood, Kenward, Bare & Associates is requesting the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; Recorded in Book H, Page 141; Being more particularly described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88°56'56" West 80.16 feet, to a point on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1126.85 square feet; Being subject to all Rights-of-Way and easements of Record,

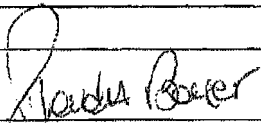
As shown on the attached Exhibit A.

If you have any questions or need additional information, please feel free to contact me at 870-932-2019.

I do not object to the requested vacation described above.

I do object to the requested vacation described above because.

Comments:

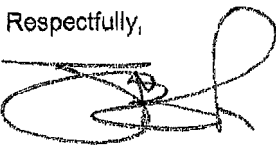


Signature of Property Owner/ Representative

8/12

Date

Respectfully,



Jason Branch, PS
Haywood, Kenward, Bare & Associates, Inc.

1801 Latourette Drive, Jonesboro, AR 72404
Bus. (870) 932-2019 Fax (870) 932-1076
E-mail: hkb@hkbinc.com

Haywood, Kenward, Bare
AND ASSOCIATES, INC.
Civil Engineering - Surveying - Planning

July 13, 2012

Dean A. Tyrer
2603 Browns Lane
Jonesboro, AR 72401

RE: Request for a Partial Right-of-Way Abandonment

Dear Mr. Tyrer,

Haywood, Kenward, Bare & Associates is requesting the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; Recorded in Book H, Page 141; Being more particularly described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88°56'56" West 80.16 feet, to a point on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1128.85 square feet; Being subject to all Rights-of-Way and easements of Record,

As shown on the attached Exhibit A.

If you have any questions or need additional information, please feel free to contact me at 870-932-2019.

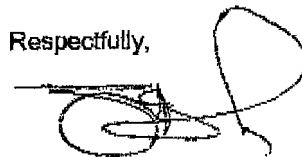
- I do not object to the requested vacation described above.
 I do object to the requested vacation described above because.

Comments:

Signature of Property Owner/ Representative

8/28/12
Date

Respectfully,


Jason Branch, PS
Haywood, Kenward, Bare & Associates, Inc.



Owned by the Citizens of Jonesboro

August 8, 2012

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

Re: Right of Way Abandonment
Avenir Place Cul-de-Sac

Dear Donna:

City Water and Light has no objection with the abandonment of the Right-of-Way more particularly described as:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; thence South 88°56' 56" West 80.16 feet, to a point on a curve to the right; thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; containing 0.026 acres or 1126.85 square feet; being subject to all Rights-of-Way and easements of record, as shown on the attached Exhibit A.

City Water and Light would require a utility easement over the proposed abandonment. Please call if more information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Bowen", written over a white background.

Ronald L. Bowen
Manager, City Water & Light

Enclosure

Cc: Donna Jackson
Otis Spriggs
Haywood, Kenward, Bare & Associates



Cindy Cole
Manager-Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
(870) 972.7600 Phone

August 3, 2012

**RE: Right-of-Way Abandonment
Avenir Place
City of Jonesboro
Craighead County**

AT&T has no objection with the abandonment of the Right-of-Way on Avenir Place as described in the attached request.

At the current time AT&T has no facilities in this Right-of-Way.

Please contact me if you have any questions.

Sincerely,

Cindy Cole
Manager Engineer Design

UTILITY RELEASE FORM

R.O.W. (Right of Way) Abandonment Request

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

Beginning at the Southeast corner of Lot 2 of Primary Car Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro , Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88 56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88 56'56" West 80.16 feet, on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1126.85 square feet; Being subject to al Rights-of-Wayand easements of Record, As shown on the attached.

UTILITY COMPANY COMMENTS:

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

Cindy Cole
Design Engineer ATT
870-972-7600

Signature of Utility Company Representative



To: Haywood, Kenward, Bare and Associates, Inc

From: Suddenlink Communications, Inc.

Date: August 21, 2012

Re: Request for Partial Right-of-Way Abandonment

Suddenlink Communications, Inc. has no objection to the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition, located in Jonesboro, Craighead County, Arkansas.

Respectfully,

John Fain

Construction Planner
Suddenlink Communications, Inc.

HKB

COMPILATION MAP

THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE (OUL-DE-SAC) LYING SOUTH OF WINDOVER ROAD AND WEST OF BROWNS LANE JONESBORO, CRAIGHHEAD COUNTY, ARKANSAS

Haywood, Kenward, Bare and Associates, Inc.
 CIVIL Engineering, Surveying & Planning Services
 1801 Leitchfield Drive, Jonesboro, AR, 72404
 TEL: 870-932-2019 FAX: 870-932-1028

PRELIMINARY

JASON H. BRANCH, PS
 AR - 1596

PRELIMINARY

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

CLIENT:
 WRIGHT

COPYRIGHT 2012, ALL RIGHTS RESERVED

REVISIONS

DATE	BY	DESCRIPTION

PROJECT NO.

WQ4Q-0001-28

DRAWN BY

JHB

SHEET

1 of 1

DATE

07/12/12

CHECKED BY

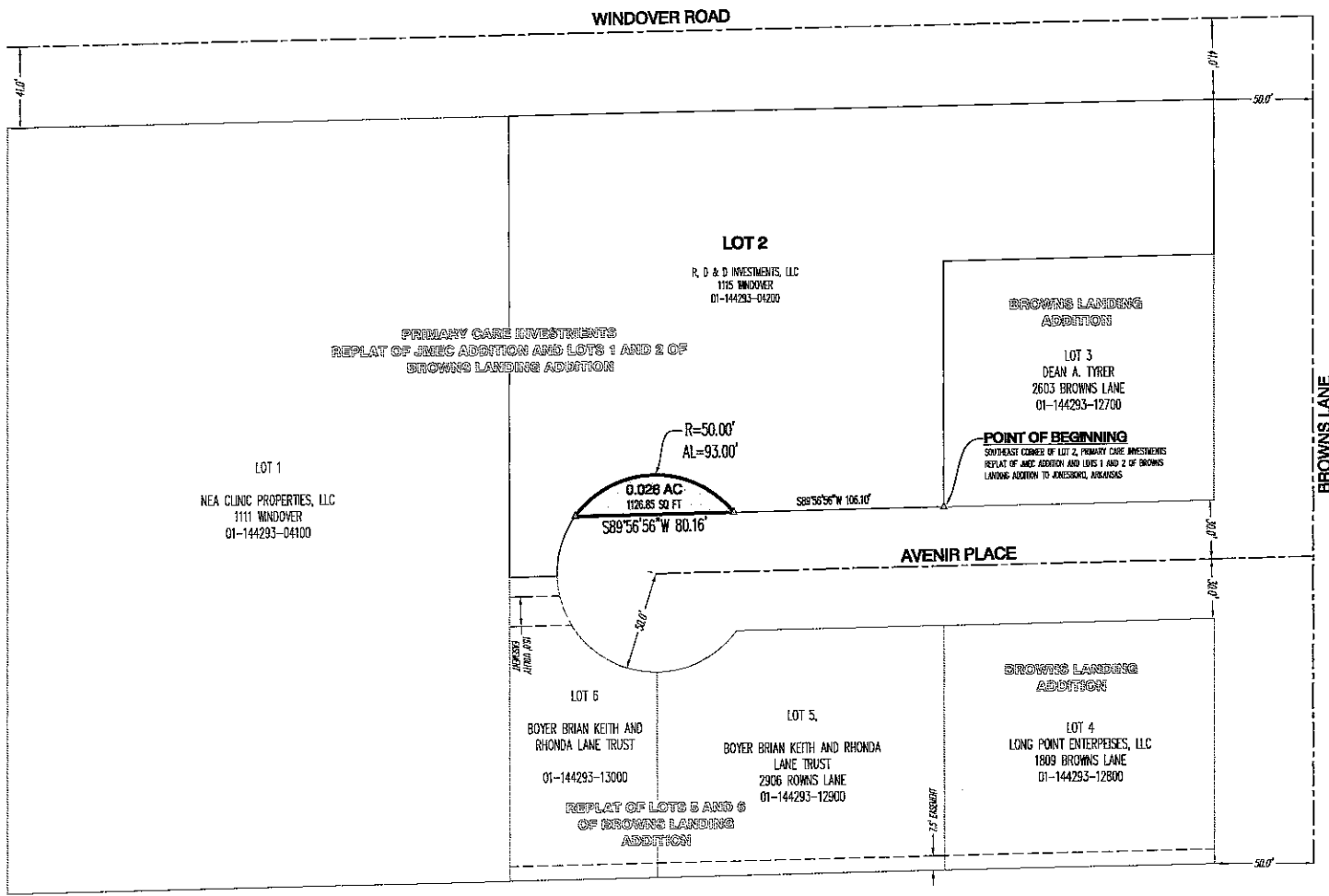
SCALE

1"=40'

DRAWING NO.

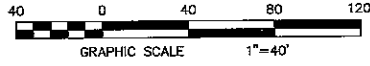


BASED UPON BEARINGS, PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS BY TERRY BARE, PS 1994, FIELD IN BOOK 6, PAGE 141.



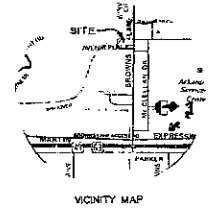
PARTIAL RIGHT-OF-WAY ABANDONMENT:

THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE (OUL-DE-SAC), LYING AT THE WEST END OF THE PLATTED BROFF-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTH EAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.028 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

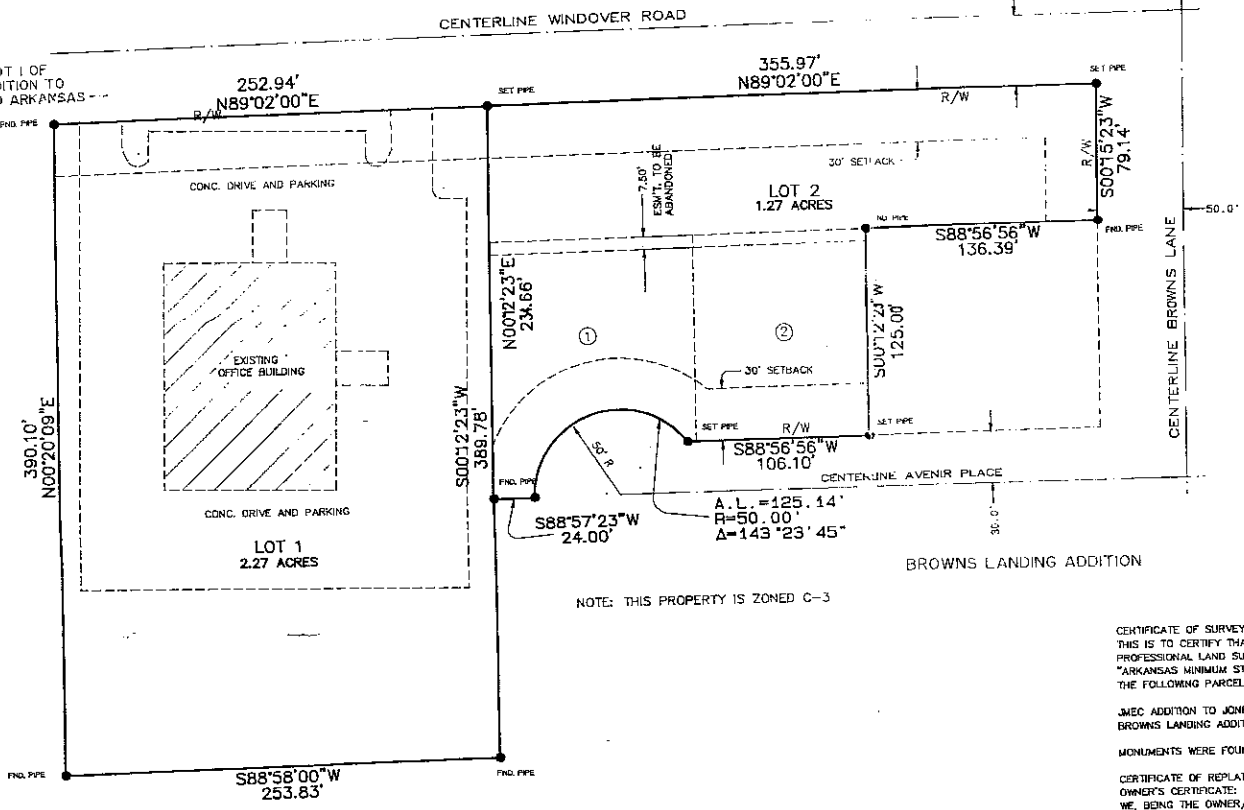


COMPILATION MAP

FILED FOR RECORD
 This 27th day of Sept. 1995
 4238
 PAT FLEETWOOD
 Circuit & Chancery Court Clerk
 by Shirley Handley



NW COR. LOT 1 OF
 J.M.E.C. ADDITION TO
 JONESBORO ARKANSAS



NOTE: THIS PROPERTY IS ZONED C-3

CERTIFICATE OF SURVEY:
 THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE, AND ASSOCIATES, INC.,
 PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED IN ACCORDANCE WITH
 "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARIES AND PLATS",
 THE FOLLOWING PARCEL/PARCELS OF LAND:

J.M.E.C. ADDITION TO JONESBORO, ARKANSAS AND LOTS 1 AND 2 OF
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

MONUMENTS WERE FOUND OR SET AS NOTED ON THE PLAT OF SURVEY HEREON.

CERTIFICATE OF REPLAT:
 OWNER'S CERTIFICATE:
 WE, BEING THE OWNER/AGENTS OF THE ABOVE DESCRIBED PARCEL/PARCELS OF
 LAND DO HEREBY ADOPT THE PLAN OF RE-PLAT AS SHOWN HEREON, AND DO
 HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREETS OF WIDTH,
 LENGTH, AND LOCATION AS SHOWN HEREON, AND SAID OWNER/AGENTS DO
 HEREBY DEDICATE ALL EASEMENTS FOR THE EXPRESS PURPOSE AND INTENDED
 USE DESCRIBED HEREON.

" SAID RE-PLAT SHALL HERE-IN-AFTER BE DESIGNATED AND REFERRED TO AS

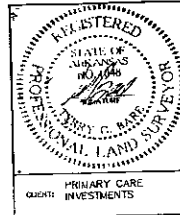
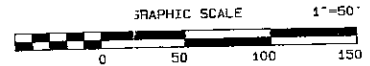
PRIMARY CARE INVESTMENTS REPLAT OF J.M.E.C. ADDITION AND LOTS 1 AND 2 OF
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

SIGNED THIS 17th DAY OF AUGUST 1995 BY:
 [Signature] OWNER/AGENT

METROPOLITAN AREA PLANNING COMMISSION
 Jonesboro - Craighead County

PRELIMINARY APPROVAL
 FINAL APPROVAL
 AS NOTED
 DISAPPROVED
 TABLED

[Signature] Chairman
 [Signature] Secretary
 AUG 22 1995 Date



RECORD REPLAT

PRIMARY CARE INVESTMENTS
 REPLAT OF J.M.E.C. ADDITION AND LOTS 1 AND 2
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.
 SURVEYING - PLANNING
 603 SOUTHWEST DRIVE, SUITE A
 JONESBORO, ARKANSAS 72401
 TEL 501-932-2019 FAX 501-932-1076

REVISIONS

DATE	BY	DESCRIPTION

DRAWN: S.P.
 DATE: 8/17/94 SHEET NO.

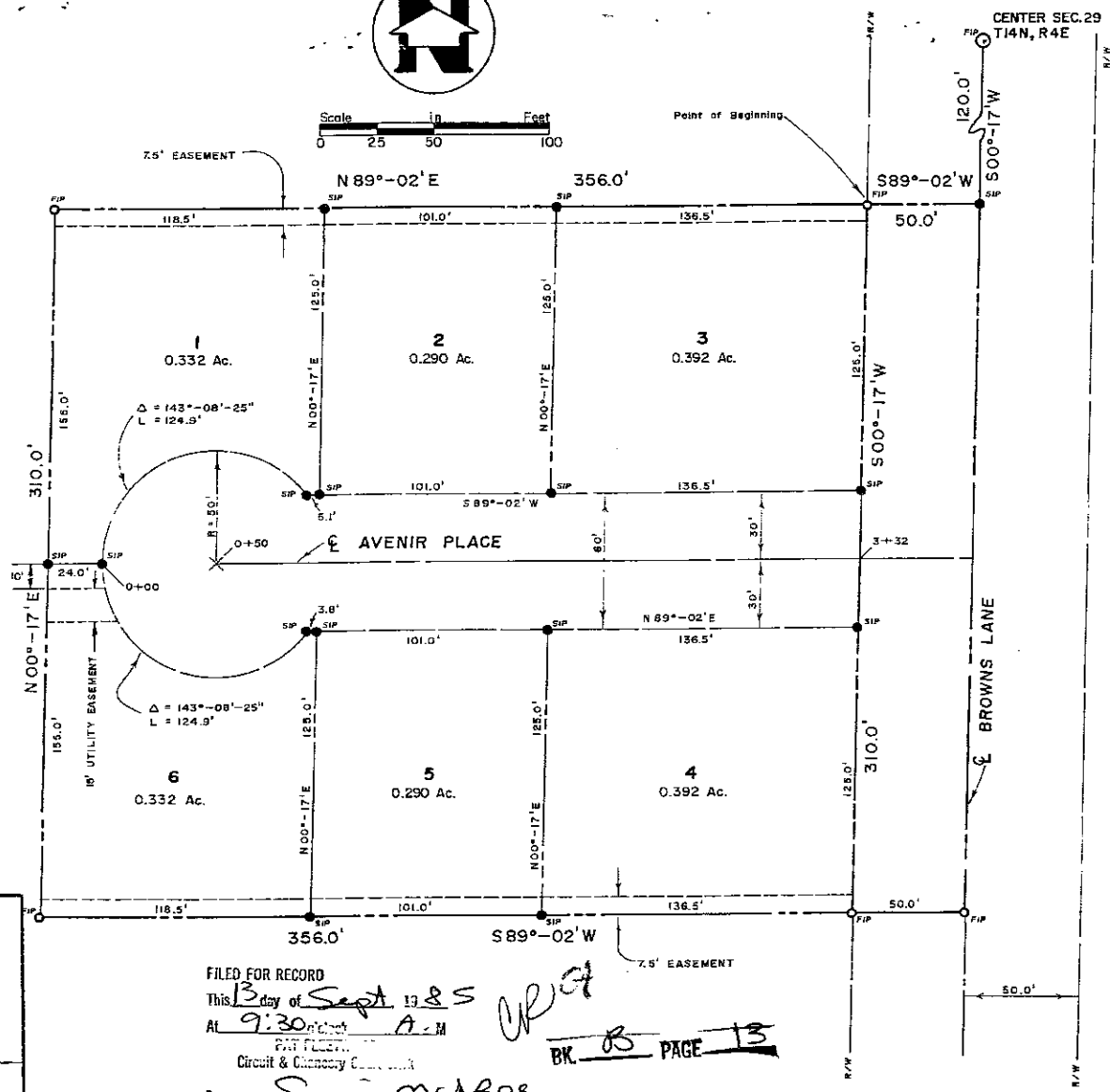
CHECKED: T.B.
 DATE: 8/17/94 SCALE: 1"=50'

JOB NO. 014595 DRAWING NO. 57-55

RP95-47



Scale in Feet
0 25 50 100



BOUNDARY DESCRIPTION

A part of the East Half of the Northeast Quarter of the Southwest Quarter (E 1/2, NE 1/4, SW 1/4) of Section 29, Township 14 North, Range 4 East of the 5th Principal Meridian in Craighead County, Arkansas, more particularly described as follows:

From the Northeast Corner of the NE 1/4 of the SW 1/4 of said Section 29 thence S00°17'W 120.00 feet along the east line of the NE 1/4, of the SW 1/4 of said Section 29 to a point, thence S89°02'W 50.00 feet to a point on the westerly right of way of Browns Lane, the Point of Beginning;

Thence S00°17'W 310.00 feet along said right of way to a point, thence S89°02'W 136.00 feet to a point, thence N00°17'E 310.00 feet to a point, thence N89°02'E 136.00 feet to the Point of Beginning, containing some 2.535 acres, more or less.

OWNER'S CERTIFICATION AND DEDICATION

I, Hubert Brodell, President, and I, S. J. Bailey, Secretary of Avenir, Inc., an Arkansas Corporation, do hereby certify that Avenir, Inc. is the owner of the above described property, that we have caused same to be subdivided and named Browns Landing Addition, Jonesboro, Arkansas, as shown hereon, and we do hereby dedicate the streets to the use of the general public and we do hereby dedicate the easements shown hereon for the purpose of construction and maintenance of the appropriate utilities.

Hubert Brodell
Hubert Brodell, President
S. J. Bailey
S. J. Bailey, Secretary
Avenir, Inc.

CERTIFICATE OF SURVEY

I hereby certify that I have this date made a complete survey of the property shown hereon and that all property lines and corner monuments are correctly established to the best of my knowledge and belief.

Dan B. Mulhollen
Dan B. Mulhollen, Land Surveyor # 646 July 31, 1985

State of Arkansas
County of Craighead
Subscribed and sworn before me this 5th day of August, 1985.
Notary Public *Dana L. Gilbert*
My commission expires 02-16-88

DAN B. MULHOLLEN
REGISTERED
LAND SURVEYOR
STATE OF
ARKANSAS
NO. 646
SIGNATURE

FILED FOR RECORD
This 13 day of Sept 1985
At 9:30 o'clock A.M.
P.M. PLANNING
Circuit & Chancery Clerk
By Susan Mulgee

BR. 13 PAGE 13

METROPOLITAN AREA PLANNING COMMISSION
Jonesboro - Craighead County

- PRELIMINARY APPROVAL
- FINAL APPROVAL
- AS NOTED
- DISAPPROVED
- TABLED

Thomas White Chairman
Rosalie Barber Secretary
Date

PRELIMINARY PLAT
BROWNS LANDING ADDITION
JONESBORO, ARKANSAS

MULHOLLEN & ASSOCIATES INC.
CIVIL ENGINEERING SERVICES
JONESBORO ARKANSAS



PLANNING & ZONING DEPARTMENT



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

May 16, 2013

Haywood, Kenward, Bare and Associates, Inc.
1801 Latourette Dr.
Jonesboro, AR 72404

Re: Abandonment of a portion Avenir Pl. Right of Way

Dear Mr. Bare,

The City of Jonesboro Planning Department has received your request to abandon a portion Avenir Pl. Right of Way, as described on the petition and drawings provided by you on behalf of your client.

The Planning Department has no objection to this abandonment request and has determined that it will not cause any noncompliance with the Zoning or Subdivision Regulations.

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

Sincerely,

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

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

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

PETITION TO ABANDON THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.

We / I the undersigned, being the owner/s of all property adjoining to the following described Right of way located in the City of Jonesboro, Arkansas, described as follows:

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.026 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have all of the above described Right of way legally abandoned.

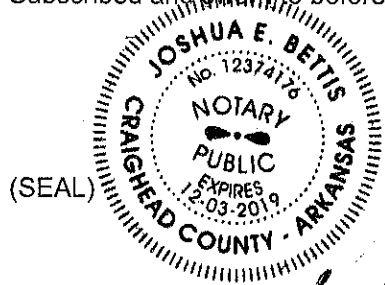
DATED this 28th day of August 2012.

PROPERTY OWNER ADDRESS

R.D.& D Investments LLC 1115 Windover Road, Jonesboro, AR 72401

[Handwritten signatures]

Subscribed and sworn to before me this 28th day of August, 2012



[Handwritten signature]
NOTARY

Expiration date: 12/03/19

Haywood, Kenward, Bare & Associates, Inc.

Civil Engineering, Surveying & Planning Services

May 10, 2013

Otis Spriggs AICP, Director of Planning & Zoning
307 Vine Street
Jonesboro, AR 72401

RE: Avenir Place

Dear Mr. Spriggs:

The Wrights have been trying to abandon a portion of Avenir Place Cul-De-Sac since 2012; they have fulfilled the requirements of the city's abandonment process as well as the utility providers request. However we have not received a confirmation from Centerpoint Energy.

The Wrights are asking that the requested street abandonment area be retained as a utility easement; this will allow the expansion of their parking lot.

Respectfully,



Terry Bare



Legislation Details (With Text)

File #:	ORD-13:028	Version:	1	Name:	Rezoning by Love's Travel Stop
Type:	Ordinance	Status:		Status:	First Reading
File created:	6/21/2013	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-C FOR PROPERTY LOCATED ON THE EAST SIDE OF US 63, EXIT 40 BETWEEN WEST PARKER ROAD AND INGELS ROAD AS REQUESTED BY LOVE'S TRAVEL STOP				
Sponsors:					
Indexes:	Rezoning				
Code sections:					
Attachments:	Plat Traffic Engineer Recommendations Staff Summary RZ 13-06Loves Rezoning COUNCIL				

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

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

SECTION I: CHAPTER 117, ARTICLE III, 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-C) PLANNED DEVELOPMENT DISTRICT - COMMERCIAL, FOR THE FOLLOWING DESCRIBED PROPERTY:

(R-1 to PD-C):

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 01°08'13" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, 1311.80 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89°22'44" WEST, ALONG SAID SOUTH LINE, 998.41 FEET TO THE CENTER LINE OF WHITEMANS CREEK; THENCE ALONG SAID CENTER LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 01°12'23" EAST, 1650.88 FEET; NORTH 04°58'22" EAST, 218.21 FEET; NORTH 21°15'10" WEST, 91.80 FEET; THENCE NORTH 49°04'52" WEST, 110.53 FEET TO THE

SOUTHERLY RIGHT-OF-WAY LINE OF PARKER ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 85°07'15" EAST, 151.51 FEET; NORTH 70°06'15" EAST, 213.70 FEET; NORTH 58°49'15" EAST, 244.39 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS HIGHWAY NO. 463; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 49°30'14" EAST, 175.21 FEET; SOUTH 45°02'06" EAST, 541.55 FEET; THENCE SOUTH 44°31'11" EAST, 25.76 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 01°08'13" WEST, ALONG SAID EAST LINE, 400.87 FEET TO THE POINT OF BEGINNING, CONTAINING 46.79 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SECTION II: THE REQUESTED REZONING CLASSIFICATION IS PD-C AND IS FURTHER RESTRICTED AS FOLLOWS:

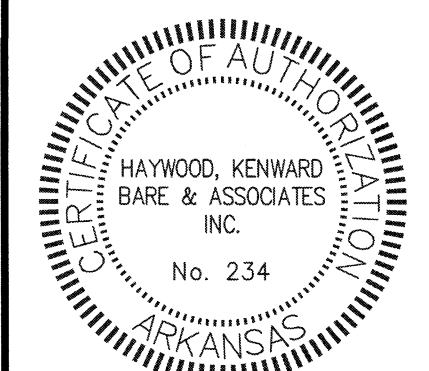
1. A FINAL DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED BY THE MAPC AND SHALL INCLUDE FINAL DETAILS ON DRAINAGE, GRADING, ACCESS MANAGEMENT, SIGNAGE, LIGHTING PHOTOMETRICS, LANDSCAPING AND ALL SITE IMPROVEMENTS.
2. PARKING LOT CALCULATIONS SHALL MEET THE MINIMUM REQUIREMENTS OF THE C-3 COMMERCIAL DISTRICT STANDARDS.

SECTION III: 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 PLAT
PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST,
JONESBORO, CRAIGHEAD COUNTY, ARKANSAS



JASON D. BEARD - SURVEYOR
ARKANSAS - P.S. 1691



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

CLIENT:
LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.
COPYRIGHT 2013, ALL RIGHTS RESERVED

REVISIONS

DATE	BY	DESCRIPTION

PROJECT NO.
L031-0001-12
DRAWN BY
JUN
CHECKED BY
M.A.D.
SHEET
1 OF 1
SCALE
1"=100'
DATE
04/12/13
DRAWING NO.
31-70

CERTIFICATE OF SURVEY:

THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE AND ASSOCIATES INC., PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED THE FOLLOWING PARCELS OF LAND:
A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 01°08'13" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, 1311.80 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89°22'44" WEST, ALONG SAID SOUTH LINE, 998.41 FEET TO THE CENTER LINE OF WHITEMANS CREEK; THENCE ALONG SAID CENTER LINE OF WHITEMANS CREEK, THE FOLLOWING COURSES AND DISTANCES: NORTH 01°22'23" EAST, 1650.88 FEET; NORTH 04°58'22" EAST, 218.21 FEET; NORTH 21°15'10" WEST, 91.80 FEET; THENCE NORTH 49°04'52" WEST, 110.53 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PARKER ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 85°07'15" EAST, 151.51 FEET; NORTH 70°06'15" EAST, 213.70 FEET; NORTH 58°49'15" EAST, 244.39 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS HIGHWAY NO. 463; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 49°30'14" EAST, 175.21 FEET; SOUTH 45°02'06" EAST, 541.55 FEET; THENCE SOUTH 44°31'11" EAST, 25.76 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 01°08'13" WEST, ALONG SAID EAST LINE, 400.87 FEET TO THE POINT OF BEGINNING, CONTAINING 46.79 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

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-C) COMMERCIAL BUSINESS PLANNED DEVELOPMENT.

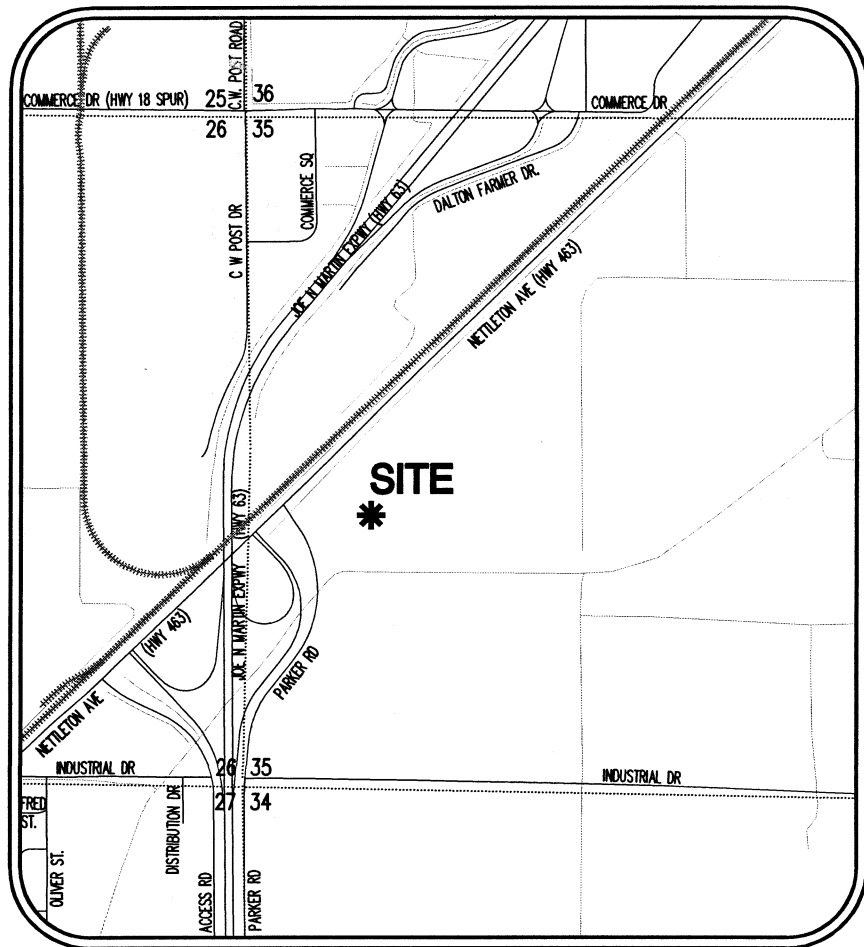
SIGNED THIS 5th DAY OF JUNE 2013
BY CHARLEY DAVIS Signature: *Charley Davis*
TITLE OWNER
BY MIKE WEAVER Signature: *Mike Weaver*
TITLE OFFICER - LIBERTY BANK OF ARKANSAS

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.
- BASIS OF BEARINGS: ARKANSAS STATE PLANE GRID NORTH ZONE (0301)
- THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS SURVEY:
 - PLAT OF SURVEY, BY ROBERT W. NEWELL, P.S. 23, RECORDED IN BOOK H, PAGE 74, DATED DECEMBER 15, 1989.
 - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK H, PAGE 74, DATED JANUARY 4, 1990.
 - PLAT OF SURVEY, BY BRADLEY P. HANCOCK, P.S. 1400, RECORDED IN BOOK I, PAGE 156, DATED NOVEMBER 10, 2004.
 - A.H.T.D. RIGHT-OF-WAY MAP, JOB NO. 100013.
 - A.H.T.D. RIGHT-OF-WAY MAP, JOB NO. R00019.
- THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR SPECIAL FLOOD HAZARD AND THE FLOODWAY, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAPS: PANEL NO. 0503100101C, EFFECTIVE DATE SEPTEMBER 27, 1991 AND PANEL NO. 0503100153C, EFFECTIVE DATE SEPTEMBER 27, 1991.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED BY FIELD MEASUREMENTS AND EXISTING UTILITY MAPS. HAYWOOD, KENWARD, BARE & ASSOCIATES INC. MAKE NO WARRANTY TO THE EXACT LOCATION OF THE UTILITIES SHOWN OR NOT SHOWN ON THIS DRAWING; IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION. CALL 811 BEFORE YOU DIG!
- ARKANSAS ONE-CALL TICKET NUMBER: 130214-0261
- SUBJECT PROPERTY IS ZONED R-1, SINGLE-FAMILY, MEDIUM DENSITY DISTRICT.
- BUILDING RESTRICTIONS FOR R-1 ZONING:
 - STREET SETBACK - 25'
 - INTERIOR SIDE SETBACK - 7.5'
 - REAR SETBACK - 25'
 - MAXIMUM LOT COVERAGE - 35%
 - MAXIMUM HEIGHT LIMITATION - 35'
 - MAXIMUM FLOOR AREA - NO STANDARD
- FIELD NOTES ARE RECORDED IN HKB FIELD BOOK 1142, PAGES 65-68.
- FIELD WORK WAS COMPLETED ON MARCH 5, 2013.

BASIS OF BEARING: ARKANSAS STATE PLANE GRID NORTH ZONE (0301)

LAT: 35°46'20.25415" N, LONG: 90°38'07.78131" W
CON: 0.79400436, CAF: 0.99993628



VICINITY MAP
(NOT TO SCALE)

LEGEND:

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR W/ BLUE PLASTIC CAP STAMPED "J. BEARD P.S. 1691" (OR AS NOTED)
- A.H.T.D. RIGHT-OF-WAY MONUMENT
- COMPUTED POINT (NOT MONUMENTED)
- SITE BENCHMARK
- CONTROL POINT
- UTILITY POLE
- LIGHT POLE
- ELECTRIC BOX
- GUY WIRE
- AG WELL
- TELEPHONE PEDESTAL
- TELECOMMUNICATIONS BOX
- BURIED CABLE SIGN
- BURIED GAS SIGN
- ROAD SIGN
- TREE (AS NOTED)
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- SANITARY SEWER FORCE MAIN
- TELECOMMUNICATIONS LINE
- GAS LINE
- CHAIN LINK FENCE LINE
- BARBED WIRE FENCE LINE

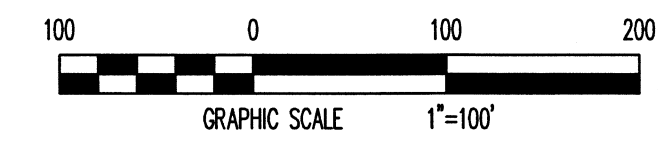
ARKANSAS HIGHWAY NO. 463
NETTLETON AVENUE
(ASPHALT SURFACE WITH
RAISED CONCRETE MEDIAN)

PARKER ROAD
(ASPHALT SURFACE)

TOTAL 46.79 ACRES
R-1 ZONING REQUESTING PD-C ZONING

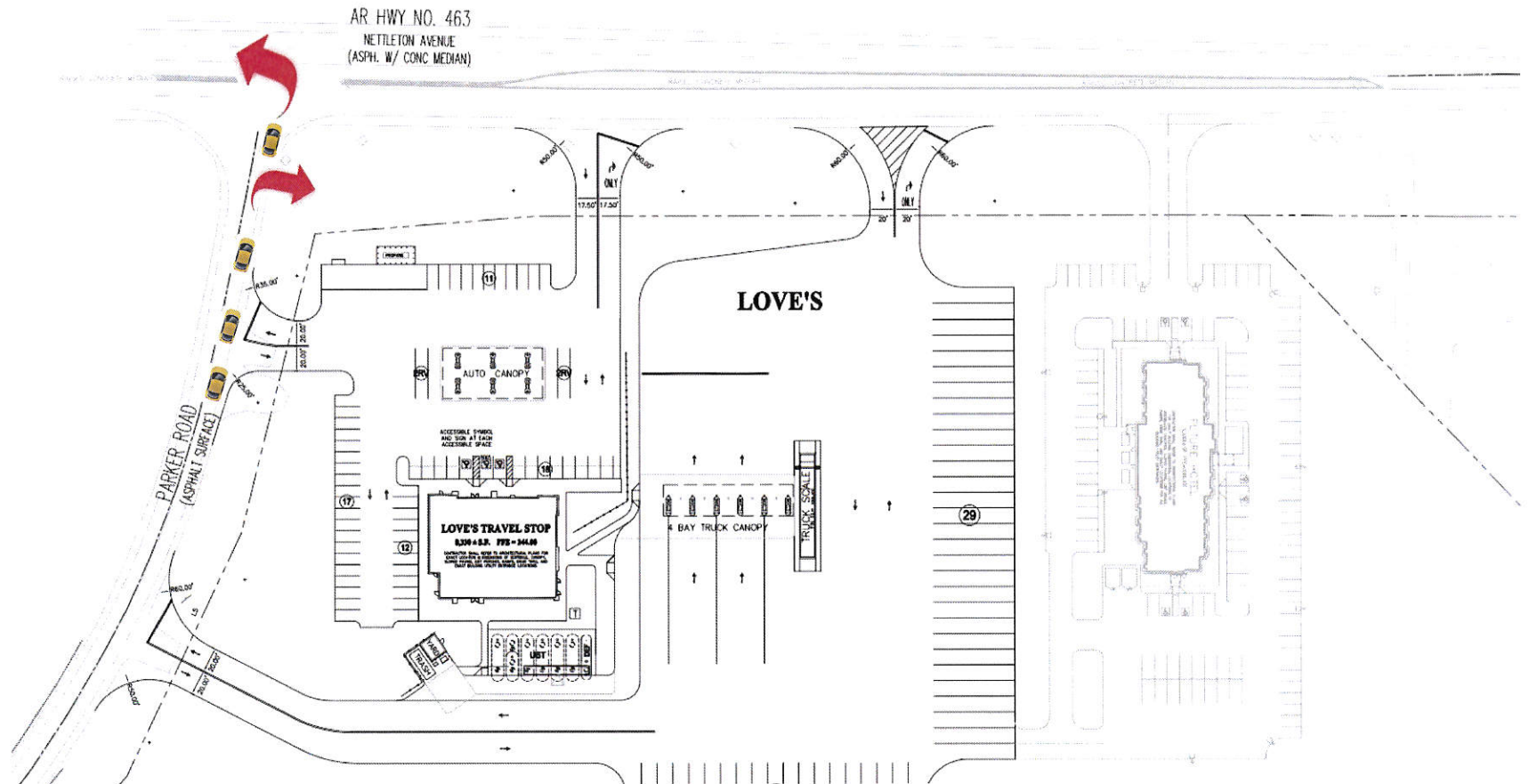
LINE TABLE:

LINE #	DIRECTION	LENGTH
L1	N04°58'22"E	218.21'
L2	N21°15'10"W	91.80'
L3	N49°04'52"W	110.53'
L4	N85°07'15"E	151.51'
L5	N70°06'15"E	213.70'
L6	N58°49'15"E	244.39'
L7	S49°30'14"E	175.21'
L8	S44°31'11"E	25.76'
L9	S01°10'26"W	99.70'
L10	N68°54'34"W	164.90'

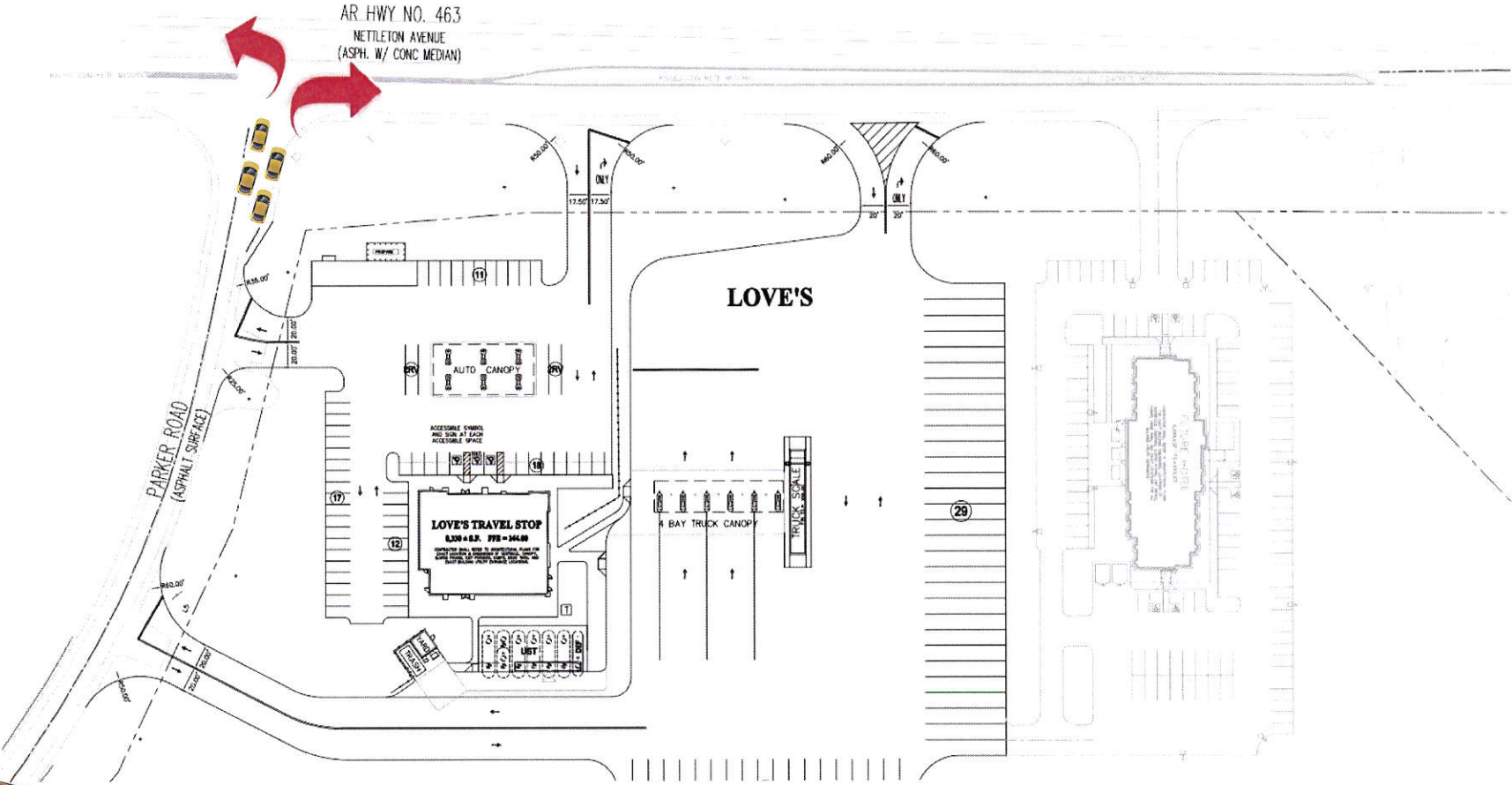


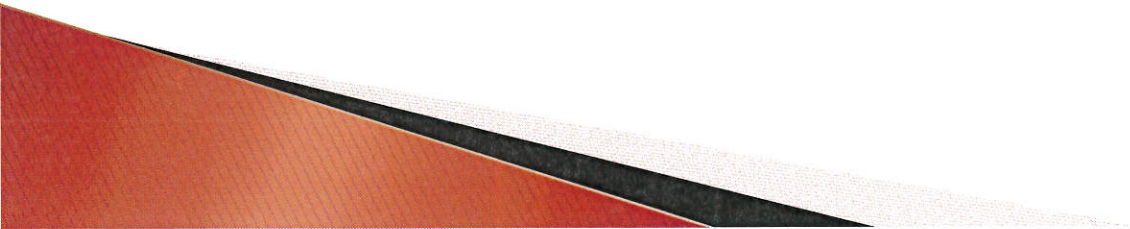
REZONING PLAT

No Right Turn Lane



With Right Turn Lane







City of Jonesboro City Council
Staff Report – RZ 13-06: Loves Travel Stop- Hwy. 463
Huntington Building - 900 W. Monroe
For Consideration by the Council on July 1, 2013

REQUEST: To consider a rezoning of a parcel of land containing 46.79 acres more or less.

PURPOSE: The applicant requests MAPC approval of a rezoning from R-1 Single Family to PD-C, Planned Development District- Commercial.

APPLICANT/ Rick Shuffield of Resource Consulting Civil Engineering on behalf of Loves Travel
Stop

OWNER: Charles Davis, Owner, Jonesboro, AR 72401

LOCATION: East side of US 63, Exit 40 @ Hwy. 463, between W. Parker and Ingels Road.

SITE **DESCRIPTION:** **Tract Size:** 46.79 acres
Frontage: Approx. 910 ft. on Hwy. 463/East Nettleton Ave.
 Approx. 500 ft. on Parker Road
Topography: Predominately flat.
Existing Development: Agricultural Vacant Residential/Pasturing Lands

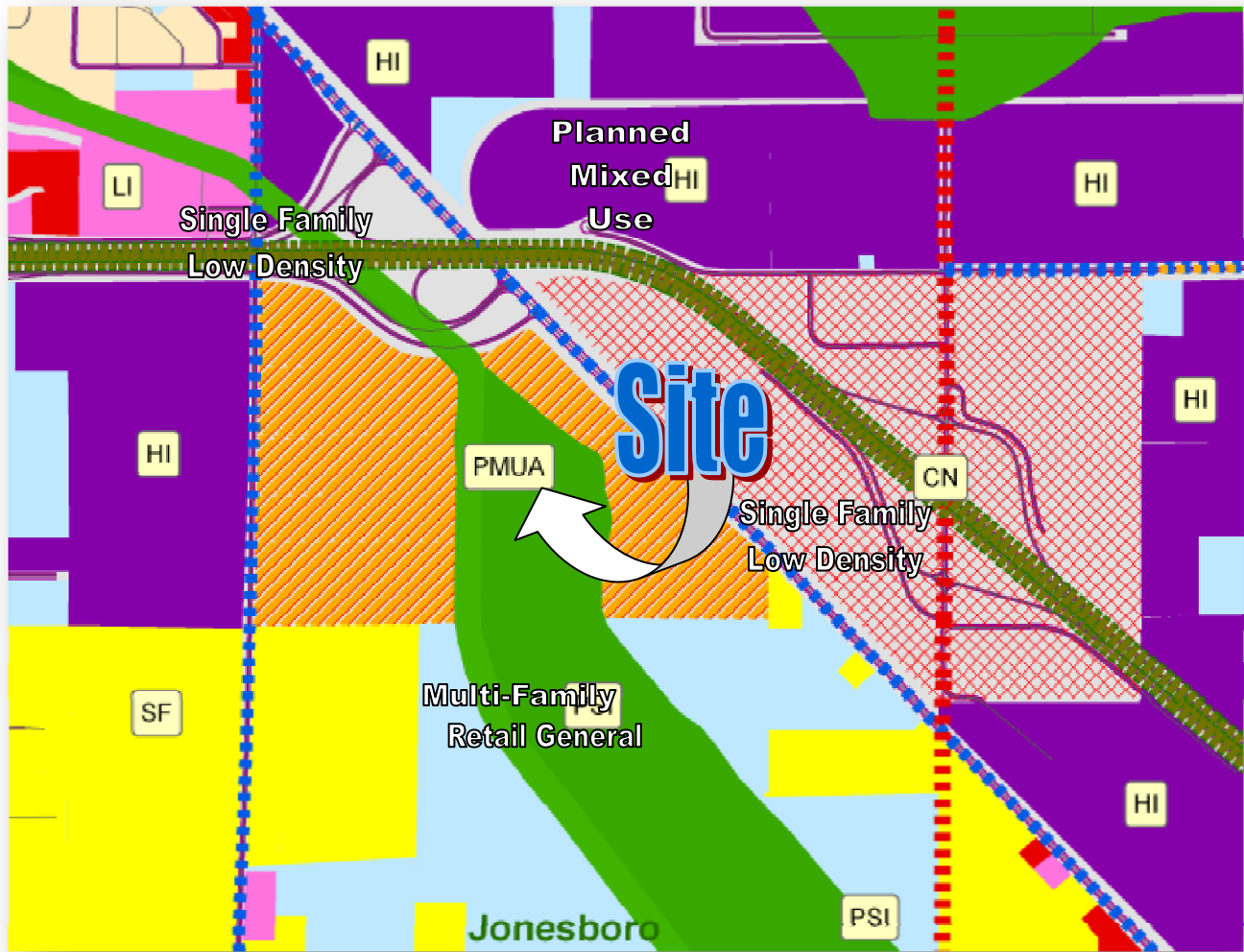
SURROUNDING	<u>ZONING</u>	<u>LAND USE</u>
CONDITIONS: North:	I-1	Industrial/I-63/Parker Road
South:	R-1	Agriculture/Gas Utility
East:	R-1,	Agriculture, Residential
	C-3	Auctioneer Business, Gas Utility
West:	I-1	Building specialties office & storage warehouse
	C-3	Agriculture
	R-1	Agriculture
Northwest:	R-1	Unimproved

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 Planned Mixed Use. The proposed rezoning to PD-M – Mixed Use Planned Development District is consistent with the adopted land use map.



Adopted Land Use Map

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:

Criteria	Consistent (Yes or No)	Explanation
(a) Consistency of the proposal with the Comprehensive Plan	Yes. Plan Update is Pending.	See Land Use Section Above.
(b) Consistency of the proposal with the purpose of the zoning ordinance.	Yes.	Meets the criteria for a Mixed Use Planned Development District
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	Yes.	Commercial, single family residential, and multifamily residential uses currently in the vicinity.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Minimal suitability.	Property would yield a maximum of (31) R-1 lots with a cul-de-sac length variance. However, the narrow site and existing topography are restrictive.
(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;	Minimal detrimental effects.	Ingress/egress at Southwest Drive is a concern Provisions for shared access may be considered with concern to the commercial portion of the development.
(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	N/A	
(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.	With a few exceptions the associated impacts are minimal	Additional multifamily units (duplexes) stretch the limited public safety resources. Common open space, sidewalks, community building, and picnic/gazebo area is proposed.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Hwy. 463/ East Nettleton Ave. and West Parker Road, which on the Master Street Plan are defined as a Minor Arterial and Local respectively. Both street right-of-ways satisfy the Master Street Plan recommendation as illustrated on the Plat.

Zoning Code Compliance Review:

The applicant has proposed a rezoning from R-1 Single Family Residential to a C-3 General Commercial District with no special use or planned development district tools applied in this petition. All allowable uses listed under Chapter 117, C-3 General Commercial could potentially apply here. However, as customary, the Planning Commission may wish to request that a Final Site Plan be subject to MAPC approval at such time the property should redevelop. All other uses stipulated as allowable or as conditional use will apply to this proposed rezoning petition.

Ordinance Compliance Review for Proposed Rezoning to PD-M – Mixed Use Planned Development District:

Per Chapter 117-324, **Parking Requirements** are as follows:

Hotel or motel	1 per guest room, plus 1 per 10 guest rooms
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Library	1 per 500 square feet
Medical service	6 per doctor or dentist
Museum	1 per 500 square feet
Office, general	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet
Recreational vehicle park	1 per camping space
Restaurant, fast-food	1 per 75 square feet of customer service/dining area
Restaurant, general	1 per 150 square feet for first 2,500 square feet, plus 1 per 100 square feet over 2,500 square feet
Retail/service, general	1 per 250 square feet
Retail/service, furniture and bulky items	Spaces to be provided pursuant to schedule B
School, nursery, elementary and middle	1 per staff and employee, plus 1 space per classroom
School, high	1 for each 3 students, plus 1.5 per classroom
Service station	2 per service bay, plus 1 per pump
Vehicle and equipment sales	Spaces to be provided pursuant to schedule B

The application was submitted under the provisions of the Planned District Development requirements. The required 15% open space needs to be delineated on the plan. Perhaps an outdoor relaxation or rest area can be implemented on the site plan. The applicant petitioned for this change to allow the proposed development to be permitted because the current R-1 zoning will not allow for the proposed development. They desire to develop a Love’s Travel Stop and possible future hotel site as depicted on the Preliminary Development Plan. The site will be developed by building a Love’s Travel Stop and Country Store, including a 10,000±SF Retail Sales/Fast Food Restaurant. The applicant has described Love’s as a ‘retail’ facility that will maintain an attractive commercial appearance with 24 hour operation to serve the general public.

The proposed development would result in having utilities brought to the site, as mentioned before, increasing the ability to develop the area. Also, because the current site is in a floodway, the required improvements to the adjacent creek would improve drainage of the site without impacting neighboring sites.

Access/Transportation:

Driveways will be reviewed and permitted by AHTD to best manage the ingress and egress of both automobiles and commercial trucks visiting this facility. However City Staff has reviewed the access management dynamics of the site and offer a few suggestions and recommendations. Please see attached memo from the Metropolitan Planning Office.

Highway 463 currently has a raised median which controls onsite access to this development, and causes a right in right out only along the street frontage (Hwy. 463). Staff recommends that this arrangement remains as designed. Staff also advises that the MAPC requests developer consideration for a turn-lane at the intersection of Parker Rd. & Hwy. 463/E. Nettleton Ave., eastbound.

The applicant has noted cross access to the gas propane utility to the south. This access easement should be platted and recorded. The joint/cross access to the hotel should be clarified and made complete.

On-premise Signage:

The applicant proposes typical onsite commercial signs, which all appear to satisfy the current code.

A major interstate high-rise sign which they are requesting a height to exceed the required 75 ft. maximum, because of a recent signage sight study which justified the need. The applicant proposes 100 ft., which requires a variance of 25 ft.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Received	Voiced concerns over future access connectivity.
Streets/Sanitation	Received	Noted no objection
Police		No objections noted
Fire Department	Received	Noted no objection
MPO	Received	Voiced concerns over future access connectivity. (1) Removing or reconfiguring the median on AR 463. (2) Improving the connectivity between the travel stop and the hotel. (3) Relocating the Parker Road entrance to the travel stop. (4) Adding a right-turn lane at the intersection of Parker Road and AR 463. (5) Extending both southbound lanes beyond the developed frontage.
Jets	Received	Noted no objection
Utility Companies	Received- CWL	Noted no objection

MAPC RECORD OF PROCEEDINGS: Public Hearing held June 11, 2013

Applicants:

Mr. John ‘Trey’ Savoie, PE., Resource Consultants, appeared before the Commission stating that he is the engineer doing the site design. **Mr. Steve Walters with Loves** stated that he is standing in for Rick Sheffield; and **Mr. Terry Bare, HKB**, appeared as the local assistant working on the project.

Staff:

Mr. Spriggs presented the summary of the Staff Report. Mr. Spriggs stated that staff met with the project team who expressed their hopes of including such uses as the truck stop, convenience store, restaurant, fueling station and the future hotel use. We advised the team that the best approach would be the Planned Unit- Mixed Use Development approach, which will accommodate the range of uses. This will also allow us to deal with the challenges from a long range planning perspective. The proposal is consistent with the adopted Land Use Map for the *Planned Mixed Use Employment Area* category.

Master Street Plan/Land Use Plan Consistency:

In terms of the Master Street Plan, the Preliminary Plan and Plat do meet the proposed right of way requirements along Hwy. 463, as an arterial, as well as Parker Rd. as a local road right-of-way.

Mr. Spriggs noted that staff met with the utility agencies and other departments in the Predevelopment Meeting and had an opportunity to discuss the various issues of site development as it relates to access management. We have listed the minimum requirements for parking and site design within the Staff Report.

Open Space:

Mr. Spriggs mentioned the 15 % open space requirement as part of the Planned District; suggestions were given on possibly providing a park-like resting area for the patrons, or open space provisions that could utilize the natural areas.

Departmental Reviews:

Mr. Spriggs summarized comments that were received from Engineering, MPO, Jets, etc.

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 a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the proposed site.
3. The applicant agrees to comply with the Master Street Plan recommendations for the East Parker Rd. and Hwy. 463 right-of-way(s).
4. The applicant shall submit a Final Development Plan addressing the recommendations of the Metropolitan Planning Organization:
 - Reconfiguring the median on AR 463 should not occur
 - Improve the connectivity between the travel stop and the hotel.
 - Relocating the Parker Road entrance to the travel stop.
 - Adding a right-turn lane at the intersection of Parker Road and AR 463.
 - Extending both southbound lanes beyond the developed frontage.

Traffic/ Access Management Discussion:

Mr. Spriggs introduced Mark Nichols, Traffic Engineer for the City.

Mr. Terry Bare: We have presented a rezoning only. We are still working and negotiating with the Highway Department concerning the question of controlled access and the median on Hwy. 463. They will submit a site plan. This is only a preliminary concept.

Mr. Mark Nichols noted that Staff appreciates that. Our intent is only to bring up these issues to your attention, as soon as possible for consideration. Prepared diagrams were shown by Mr. Nichols: Most of the traffic will be wanting to take a left-turn from Parker Rd. on to Hwy. 463. A single left-turn vehicle blocks all the right-turn traffic. It would be beneficial to have a designated right turn-lane and to have the driveway a little further from the intersection. As Otis Spriggs noted, some type of shared access between the hotel use and the truck stop would be beneficial to avoid having to go back out on Hwy. 463 to shop or eat at the retail use. Illustrations/diagrams were shown.

Mr. Reece: Asked if all of these issues will be worked out, during the site plan review stage?

Mr. Spriggs: That is correct. Mark Nichols makes a good point that we would like to get these issues recognized early in the process. The MAPC has the ability within the Planned District process to negotiate some of these issues. Now that we have a traffic engineer on staff, it saves us a lot of time determining that a traffic study might not have to be performed in large developments like this; in which we could recommend one be done. However, the last condition notes that we would like to see consideration made on these items.

Mr. Reece: Fact is- this is a rezoning and not a site plan and we do not want to design the plan. Is that correct?

Mr. Spriggs: The idea is not to design the site plan. All of these are legitimate concerns that need to be forwarded to City Council in order to make an informed decision.

Mr. Reece: I think that the best use for the property is commercial.

Mr. Spriggs: We do not disagree with that at all.

Action:

Mr. Reece: Made a motion to approve the rezoning and recommend it to City Council with the stipulations that all of the Site Plan development conditions. Motion was seconded by Mr. Scurlock.

Mr. Terry Bare: We do not have a problem with the recommendations. As far as meeting all of those stipulations and meeting them, because the site plan that you see attached is not the site plan that we will be working with because the Highway Department is reviewing the request.

Public Input: None present.

Roll Call Vote: Motion passed with a 6-0 vote recommending approval.

Mr. Dover- Aye; Ms. Nix- Aye; Mrs. Shrantz-Aye; Mr. Reece- Aye; Mr. Tomlinson- Aye; Mr. Scurlock- Aye; Mr. Lonnie Roberts- Chair; Absent were Mr. Kelton, Mr. Hoelscher.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Loves Travel Stop should be evaluated based on the above observations and criteria, of Case RZ 13-06 noted above, a request to rezone property from R-1 Single Family to PD-C, Planned Development District-Commercial. The following conditions apply:

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 a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the proposed site.
3. The applicant agrees to comply with the Master Street Plan recommendations for the East Parker Rd. and Hwy. 463 right-of-way(s).
4. The applicant shall submit a Final Development Plan addressing the recommendations of the Metropolitan Planning Organization:
 - Reconfiguring the median on AR 463 should not occur
 - Improve the connectivity between the travel stop and the hotel.
 - Relocating the Parker Road entrance to the travel stop.
 - Adding a right-turn lane at the intersection of Parker Road and AR 463.
 - Extending both southbound lanes beyond the developed frontage.



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View from Parker Road looking on site



View of S&S Door Company looking west along Parker Rd. /Site on Left



View looking South on site from Parker Road



View looking North On Hwy. 463 along Property Frontage from existing drive access.



View looking west toward Site



R-1 property located east of site. Jack's Treasures Flea Market, The Treasure Hunt Flea Market, and a body shop to the rear.



View looking North towards I-63 / I-463 Interchange



View looking South along I-463, Site on right



View from uses south of the site along Hwy. 463



View from uses south of the site along Hwy. 463



View looking northeast at Gas Utility, south of the site along Hwy. 463



Legislation Details (With Text)

File #: RES-13:099 **Version:** 1 **Name:** Temporary moratorium on multi-family residential facilities applications
Type: Resolution **Status:** Recommended to Council
File created: 6/12/2013 **In control:** Public Safety Council Committee
On agenda: **Final action:**

Title: RESOLUTION TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REZONING OF PROPERTY FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL FACILITIES WHILE THE CITY REVIEWS PROPOSED CHANGES TO ITS ZONING REGULATIONS; AND FOR OTHER PURPOSES

Sponsors:

Indexes: Other

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/18/2013	1	Public Safety Council Committee		

RESOLUTION TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REZONING OF PROPERTY FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL FACILITIES WHILE THE CITY REVIEWS PROPOSED CHANGES TO ITS ZONING REGULATIONS; AND FOR OTHER PURPOSES

WHEREAS, the City Council is reviewing proposed changes to its Zoning Regulations and preparing to overhaul and streamline its regulations by establishing a unified code; and

WHEREAS, in adhering to the City's goal of fostering orderly growth and development with it limits, the Council elects to review proposed changes to the City's Zoning Regulations regarding multi-family housing with appropriate input from relevant staff, consultants, the public and any other appropriate sources of information.

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

Section 1. A temporary moratorium is in effect and no new rezoning applications shall be accepted for the approval of multi-family residential facilities, as that term is currently defined by the City's Zoning Ordinance, until the Council reviews proposed changes to the City's Zoning Ordinance and a new Unified Development Code is adopted by the Council.

Section 2. During the period of this moratorium, the Council will review proposed changes to the Zoning Regulations, with input from staff, consultants, the public, and any other interested entities or individuals, and will direct the preparation of a final draft of said Zoning Regulations to be included in a new City of Jonesboro Unified Development Code to be presented to the Council for consideration and adoption.

Section 3. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or

adjudged invalid or unconstitutional was not originally a part of this resolution.

Section 4. All resolutions or other matters in conflict with this resolution are hereby repealed to the extent of any consistency.



Legislation Details (With Text)

File #: ORD-13:024 **Version:** 1 **Name:** Rezoning by Louis & Paula Wewers
Type: Ordinance **Status:** Third Reading
File created: 6/13/2013 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 FOR PROPERTY LOCATED AT 909 SOUTHWEST DRIVE AS REQUESTED BY LOUIS & PAULA WEWERS
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
6/18/2013	1	City Council		

AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES.

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

Section 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 Residential to C-4 Neighborhood Commercial District on the following described property:

Lot 5B of Nelson's Replat being more particularly described as follows:

Lot 5B of Lot 5A and 5B of Nelson's Replat of Scurlock's Replat of a part of Block "B" of Marlo Acres First Addition, Jonesboro, Arkansas, as shown by the plat in Plat Cabinet "C" Page 206 at Jonesboro, Arkansas, subject to Bill Assurance in Deed Record 148 Page 89, amended Bill of Assurance and Agreement, as shown in Miscellaneous Record 8 Page 535, amendments and extensions of Bill of Assurance in Deed Record 569 Page 156 and Deed Record 569 Page 362, and to easements as shown on said Plat for a total of 0.41 acres.

Section II: The requested rezoning classification is further restricted as follows:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan shall be submitted, reviewed and approved by the MAPC prior to any redevelopment.
3. All parking areas should be screened when adjacent to any residential homes, per the Zoning Code.

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

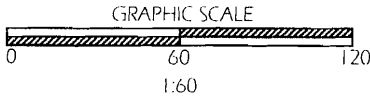
Section IV: The City Clerk is hereby directed to amend the official zoning district boundary map of the City of Jonesboro, Arkansas, insofar as it relates to the lands described hereinabove so that the zoning classification of said lands shall be in accordance with the provisions of this ordinance.

FILED

10 MAR 24 AM 11:18

ANN HUDSON
CIRCUIT COURT CLERK

RECORDED
BOOK C PAGE 206
DATE 3-24-10 TIME 11:18 AM
BY Ann Hudson
CRAIGHEAD COUNTY
ANN HUDSON, CLERK



REFERENCES
PLAT CABINET "A" PAGE 123
PLAT CABINET "D" PAGE 107
DEED BOOK 593 PAGE 91

SURVEY FOR BILL AND
MARY JANE NELSON
920 PINE CREST
JONESBORO, AR

LEGEND

FRBR - FOUND REBAR
SRBR - SET 1/2" REBAR
FIP - FOUND IRON PIPE

OWNERS CERTIFICATION

WE, BILL AND MARY NELSON, HEREBY DECLARE THAT WE ARE THE OWNERS OF THE PROPERTY AND ADOPT AND APPROVE THE SUBDIVISION OF LANDS SHOWN AND HEREBY DESCRIBED.

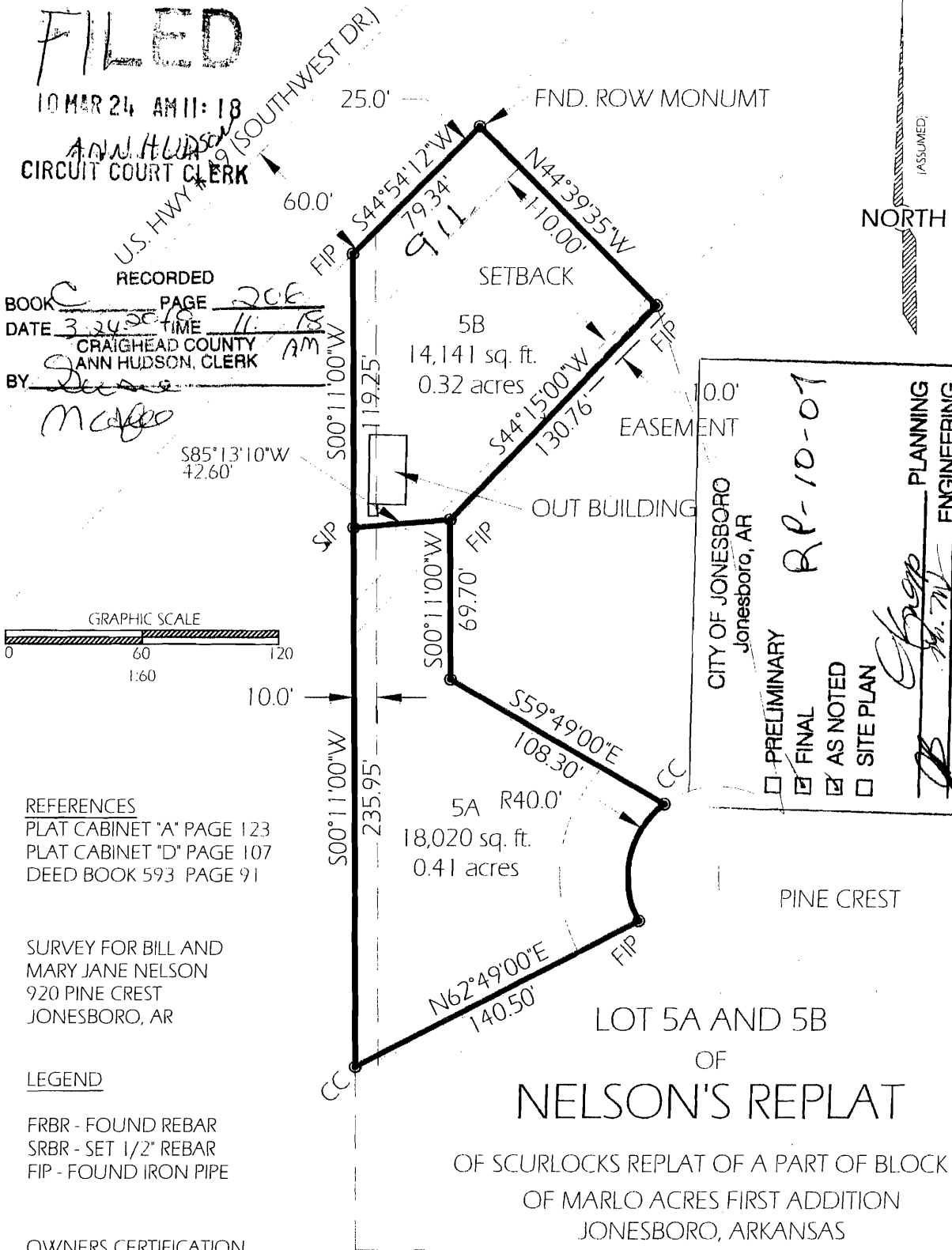
Bill Nelson 3/24/10
SIGNATURE AND DATE

Mary Jane Nelson 3/24/2010
SIGNATURE AND DATE

SURVEYORS CERTIFICATION

I, HERBERT WAYNE HARRIS, SURVEYOR, OF THIS DATE, HAVE MADE A RETRACEMENT SURVEY OF THE ABOVE DESCRIBED LANDS IN THE STATE OF ARKANSAS. ALL PROPERTY LINES, AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND ABILITY.

Herbert Wayne Harris
HERBERT WAYNE HARRIS
PROFESSIONAL SURVEYOR NO. 1538
09 MARCH 10 DATE OF SURVEY



CITY OF JONESBORO
Jonesboro, AR

RP-10-07

PLANNING
ENGINEERING

DATE
3/24/10

PRELIMINARY
 FINAL
 AS NOTED
 SITE PLAN

LOT 5A AND 5B
OF
NELSON'S REPLAT

OF SCURLOCKS REPLAT OF A PART OF BLOCK B
OF MARLO ACRES FIRST ADDITION
JONESBORO, ARKANSAS

DELTA LAND SURVEYING LLC

1090 cr 311 JONESBORO, ARKANSAS - 72401
ALTA/ASCM - BOUNDARY - TOPOGRAPHIC - CONSTRUCTION
OFFICE 870.930.5171 - Email: geomarkts@yahoo.com

DATE: 30910 PLAT CODING SYSTEM

DRAWN BY: JWH 500-14N-03E-0-25-220-16-1538
0510008



City of Jonesboro City Council
Staff Report – RZ 13-08: Wewers Rezoning – 909 Southwest Drive
Huntington Building - 900 W. Monroe
For Consideration by the Council on June 18, 2013

REQUEST: To consider a rezoning of a parcel of land containing 0.32 acres more or less.

PURPOSE: Paula and Louis Wewers request MAPC approval of a Rezoning from R-1 Single Family Residential to C-4 - Neighborhood Commercial for a 14,141 sq. ft. lot, located at 909 Southwest Drive.

APPLICANT/ OWNER: Paula and Louis Wewers, 3919 Brandywine, Jonesboro, AR 72404

LOCATION: Southwest Drive between 909 and 915 Southwest Drive
 Lot 5B of Nelson’s Replat of Marlo Acres First Addition

SITE DESCRIPTION: **Tract Size:** 0.32 acres/ 14,141 sq. ft.
Frontage: Approximately 80 ft. on Southwest Drive
Topography: Approximately 10% slope (10:1).
Existing Development: Vacant residential lot with small outbuilding.

SURROUNDING CONDITIONS:	<u>ZONING</u>	<u>LAND USE</u>
Northwest:	C-3	Bank
Northeast:	C-4	Antique and frame shop
Southeast:	R-1	Residence
South:	R-1	Residence
West:	C-5	Architecture firm

HISTORY: Vacant residential lot.

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 Planned Mixed Use. The proposed rezoning to C-4 – Neighborhood Commercial District is consistent with the adopted land use map.



Adopted Land Use Map

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:

Criteria	Consistent (Yes or No)	Explanation
(a) Consistency of the proposal with the Comprehensive Plan	Yes. Plan Update is Pending.	See Land Use Section Above.
(b) Consistency of the proposal with the purpose of the zoning ordinance.	Yes.	Meets the criteria for a C-4 – Neighborhood Commercial District

(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	Yes.	Commercial property exists on three sides of the property boundary.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Not suitable for residential.	Proposed use is not listed as a permitted or conditional use in R-1.
(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;	No detrimental effects.	
(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	Over 10 years.	
(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.	Impacts are minimal	Possibility of shared access with architecture firm.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Southwest Drive, which on the Master Street Plan is defined as a Principle Arterial. The 60 ft. right of way from the highway centerline as shown on the plat satisfies the Master Street Plan recommendation.

Access management is a concern by staff. The owner should carefully design parking areas via access from the existing curb cut, to avoid adversely impact current traffic flow. A final site plan shall be submitted for MAPC review and approval.

Possibility of shared access with architecture firm to the west should be evaluated and coordinated.

Ordinance Compliance Review for Proposed Rezoning:

Compliant with the criteria for a C-4 – Neighborhood Commercial District. Until a development plan is submitted, staff has no recommendations. This lot will probably used as accessory to the owner’s adjacent

existing business, i.e. parking and storage. All parking areas should be screened when adjacent to any residential homes, per the Zoning Code.

Other Departmental/Agency Reviews:

Department/Agency	Reports/ Comments	Status
Engineering	Received	Noted no objection
Streets/Sanitation	Received	Noted no objection
Police	Pending	No comments to date
Fire Department	Received	Noted no objection
MPO	Received	Noted no objection
Jets	Received	Noted no objection
Utility Companies	Received	Noted no objection

MAPC RECORD OF PROCEEDINGS: Hearing held on June 11, 2013:

Applicant: Mrs. Wewers presented her case before the Commission, stating they purchased this abutting lot to make it part of her antique shop and framing shop business.

Staff:

Mr. Spriggs gave Staff Summary comments outlined in the report. Consistency is achieved with the adopted Land Use Plan. The Master Street Plan requirements are satisfied. There were no submitted objections by any City department or utility agency on this proposal.

Staff has no issues with the proposal, and is recommending approval subject to MAPC review of a final Site Plan in the future. Mr. Spriggs also recommended that the applicant does due diligence in considering a cross access agreement with the neighbor to the south to alleviate a bad intersection as it access the architect’s office to the south.

Public Input: None Present.

Commission Action:

Motion was made by Mr. Scurlock that RZ-13-08 on the floor for consideration of the recommendation by MAPC to the City Council for the rezoning of this property from “R-1 Single Family Residential to C-4 Neighborhood Commercial, subject to the Staff conditions. MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area.

Motion was seconded by Mr. Schrantz

Roll Call Vote: Motion passed with a 6-0 vote recommending approval.

Mr. Dover- Aye; Ms. Nix- Aye; Mrs. Shrantz-Aye; Mr. Reece- Aye; Mr. Tomlinson- Aye; Mr. Scurlock- Aye; Mr. Lonnie Roberts- Chair; Absent were Mr. Kelton and Mr. Hoelscher.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted Paula and Louis Wewers should be evaluated based on the above observations and criteria, of Case RZ 13-08 noted above, a request to rezone property from “R-1 Single Family Residential to C-4 Neighborhood Commercial District”. The following conditions apply:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan shall be submitted, reviewed and approved by the MAPC prior to any redevelopment.
3. All parking areas should be screened when adjacent to any residential homes, per the Zoning Code.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



Property frontage along Southwest Drive and the antique and frame shop located adjacent to the northwestern property boundary.



Ingress/egress location at Southwest Drive for architecture firm property located adjacent to western property boundary.