



Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: 10-18-10
Case Number: RZ 10-18

LOCATION: 2005 HARRISBURG ROAD
Site Address: S.W. corner of E. Highland (Hwy 18) and Harrisburg Rd. (Hwy 163)

Side of Street: South between _____ and _____

Quarter: NW¹/₄-NE¹/₄ Section: 30 Township: 14N Range: 4E

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

SITE INFORMATION:
Existing Zoning: R-2 Proposed Zoning: P.D.C.

Size of site (square feet and acres): 275,299 s.f. (6.32 acres) Street frontage (feet): 804.93 feet

Existing Use of the Site: Unoccupied

Character and adequacy of adjoining streets: South lane of 2 lane highway

Does public water serve the site? Yes Harrisburg Rd.

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

Does public sanitary sewer serve the site? Yes, E. Highland Dr.

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

Use of adjoining properties:

North	<u>C-3 (Advance Auto Parts)</u>
South	<u>R-1 (Residential)</u>
East	<u>R-1 (Church)</u>
West	<u>C-3 (McDonalds)</u>

Physical characteristics of the site: Unoccupied - Mostly clear with scattered trees

Characteristics of the neighborhood: Commercial on the North and West (Highland Dr.)
Residential and Church on the South and East (Harrisburg)

REZONING INFORMATION:

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

- (1). How was the property zoned when the current owner purchased it?
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary?
- (3). If rezoned, how would the property be developed and used?
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?
- (5). Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?
- (6). How would the proposed rezoning be the public interest and benefit the community?
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning?
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property.
- (10). How long has the property remained vacant?
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services?
- (12). If the rezoning is approved, when would development or redevelopment begin?
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

OWNERSHIP INFORMATION:

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

Owner of Record:

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

Name: Pamela Smith Rusher
 Address: 29 Plantation Oaks Lane
 City, State: Jonesboro, AR ZIP 72401
 Telephone: (870) 972-8632
 Facsimile: (870) 931-4140
 Signature: Pamela Smith Rusher

Deed: Please attach a copy of the deed for the subject property.

Applicant:

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

Purchasing property from applicant OWNER

Name: HARPS FOOD STORES, INC
 Address: P.O. Box 48
 City, State: SPRINGDALE, AR ZIP 72766
 Telephone: 479-751-7601
 Facsimile: 479-751-3625
 Signature: J. Maxwell Hoose
VP
Harps Food Stores, Inc

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

Prepared by: John M. White, III
Jonesboro, AR

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Warrant
 WITH RELINQUISHMENT OF DOWER

Now All men By These Presents:

That we, John M. White, III and Hannah White, his wife, and Ronald L. White and Laura White, his wife

and in consideration of the sum of Ten and NO/100-----
 ----- (\$10.00)----- DOLLARS

and other good and valuable considerations to us in hand paid by Albert H. Rusher, Jr. and Pamela S. Rusher, his wife, as tenants by the entirety

do hereby grant, bargain, sell and convey unto the said Albert H. Rusher, Jr. and Pamela S. Rusher, his wife, as tenants by the entirety

and unto their heirs and assigns forever, the following lands lying in the County of Craighead and State of Arkansas, to-wit: Range 4 East, being more particularly described as follows: Begin at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 30 aforesaid; thence North 88° 57' East on the Section line 50 feet to the point of beginning proper; thence South 0° 16' West 681.3 feet; thence North 78° 05' East 360.4 feet; thence North 10° 48' West 200 feet; thence North 78° 02' East 285.3 feet to the centerline of pavement of Arkansas State Highway No. 1; thence North 9° 20' West 82 feet to a point on said centerline; thence North 9° 56' West 100 feet to a point on said centerline; thence North 10° 26' West along said centerline 184.3 feet to the North line of the Northwest Quarter of the Northeast Quarter of aforesaid Section 30; thence South 88° 57' West on the Section line 527.3 feet to the point of beginning proper, containing 7 acres, and begin subject to Arkansas State Highway right of way along the East and North sides, which includes Lot 15, Teasdale Acres, as shown by Plat in Deed Record 123 Page 5 at Jonesboro, Arkansas.

To have and to hold the same unto the said Albert H. Rusher, Jr. and Pamela S. Rusher, his wife, as tenants by the entirety

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

And we hereby covenant with said Albert H. Rusher, Jr. and Pamela S. Rusher, his wife, as tenants by the entirety

that we will forever warrant and defend the title to the said lands against all claims whatever. we

And K Hannah White and Laura White

wives John M. White, III and Ronald L. White, respectively

for and in consideration of the said sum of money, do hereby release and relinquish unto the said Albert H. Rusher, Jr. and Pamela S. Rusher, his wife, as tenants by the entirety

all my right of dower and homestead in and to said lands.

WITNESS our hands and seals on this 23rd day of March 1982

Ronald L. White (L. S.)
John M. White, III (L. S.)
Laura White (L. S.)
Hannah White (L. S.)

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ACKNOWLEDGMENT

583

STATE OF ARKANSAS,
County of Craighead

} ss. _____ } ss.

BE IT REMEMBERED, That on this day came before me the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting John M. White, III and Hannah White, his wife, and Ronald L. White and Laura White, his wife

to me well known as the grantors in the foregoing Deed, and stated that they had executed the same for the consideration and purpose therein mentioned and set forth.

And on the same day also voluntarily appeared before me the said Hannah White and Laura White wives ~~XXX~~ of the said John M. White, III and Ronald L. White, respectively

to me well known, and in the absence of her said husband declared that she had, of her own free will, executed said Deed and signed and sealed the relinquishment of dower and homestead in the said Deed for the consideration and purposes therein contained and set forth, without compulsion or undue influence of her said husband.

WITNESS my hand and seal as such Notary Public on this 27th day of March, 1981
My Commission Expires 7-1, 1984 Freida L. Dale
Notary Public

CERTIFICATE OF RECORD

STATE OF ARKANSAS,
County of Craighead

} ss. _____ } ss.

I, DIANE PARKER, Circuit Clerk and Ex-Officio Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 24th day of March, A.D., 1981, at 2:30 o'clock P. m. and the same is now duly recorded, with acknowledgments and certificates thereon in Deed Record 287 page 582

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Court this 24th day of March, 1981

DIANE PARKER
Circuit Clerk and Ex-Officio Recorder
Shelli Smith
D. C.

583

Warranty Deed
WITH
RELINQUISHMENT OF DOWER

FROM

JOHN M. WHITE, III AND
HANNAH WHITE, HIS WIFE,
AND RONALD L. WHITE AND
LAURA WHITE, HIS WIFE

TO

ALBERT H. RUSHER, JR.
AND PAMELA S. RUSHER,
HIS WIFE

Filed for Record this 24 day of March, 1981
at 2:30 o'clock P. M.
By Diane Parker Clerk
Shelli Smith D. C.

City of Jonesboro Rezoning Information

1. How was the property zoned when the current owner purchased it? R-2
2. What is the purpose of the proposed rezoning? Grocery Store. Why is the rezoning necessary? Compliance with zoning code related to planned usage.
3. If rezoned, how would the property be developed and used? The property is proposed to be a PD-C with the main use being a Grocery Store.
4. What would be the density of the development? The proposed square footage of the Grocery Store is approximately 31,500 S.F., with 155 parking spaces provided.
5. Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? Yes.
6. How would the proposed rezoning be in the public interest and benefit the community? The proposed PD-C would provide a needed service to the surrounding area as well as providing more jobs to the surrounding community.
7. How would the proposed rezoning be compatible with the zoning uses, and the character of the surrounding area? There are commercial areas present north and west of the proposed development and East Highland Drive is approximately 1 block off of Southwest Drive (U.S. 49-Business/Arkansas Highway 18) which is heavily commercialized.
8. Are there any substantial reasons why the property cannot be used in accordance with the existing zoning? While the property could be used in accordance with the current R-2 (Multi-Family) zoning, the area would benefit further from the proposed grocery store. The area is mainly a commercial district, with the only residential areas being south of the proposed site on Harrisburg Road (Arkansas Highway 1).
9. How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration hours of use or operation and any restriction to the normal and customary use of the affected property? The proposed rezoning would not likely affect property values for the surrounding areas. There would be a slight increase in traffic for the area, but the existing traffic would be the main source of business for the grocery store. Proposed drainage leaving the site would not increase because the proposed development would detain runoff from this site. The Grocery Store would pay special attention to any odor's, noise, light or vibrations that would potentially affect any neighbors and would do their best to prevent any adverse affects that would impact neighbors. The hours of use would be in line with that of an existing grocery store.
10. How long has the property remained vacant? Over 2 years.

11. What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police and emergency medical services? All utilities needed to serve the proposed Grocery Store are on or adjacent to the site. A drainage system will be provided with on-site detention. Although no new parks are provided, the site plan will be designed in such a way to provide areas of green space around the store, as well as landscaping throughout the parking lot and around the building. There will be a large green space area south of the store that will not be developed with the proposed grocery store. No additional city emergency services should be required based on the surrounding commercial businesses already in place.
12. If the rezoning is approved, when would development or redevelopment begin?
Development of the property would begin within 6 - 12 months of the zoning application approval.
13. How do neighbors feel about the proposed rezoning? The following efforts have occurred with communicating the scope and impact of this project to the community:
 - Conceptual review presentation was made to the MAPC on October 12. Approximately 12 people appeared to be in attendance to listen to the conceptual review presentation.
 - A community meeting was held on October 13. Harps mailed out 1190 letters to residences within 1/2 mile of the site. Three citizens attended this neighborhood meeting. The meeting lasted approximately (1) hour and aerial photographs, site plans, and photographs of similar Harps stores were shared. Questions included operating hours (approximately 6 am - 11 pm), green space between development and residences, integrating site plans with Crowley Ridge Parkway planning and bike and walking trails, parking lot design, traffic, and landscaping. We indicated that we have commissioned a traffic study and that preliminary results indicate that this development would increase traffic on Highland by 4% at the site and on Harrisburg by 11% at the site. We committed to going back to the plans and identifying any potential changes related to landscaping, bike access, and pedestrian access that were mentioned.
 - There appears to have been a delivery problem with the letters and we are not confident that the residents received the letter in a timely manner. We are in the process of scheduling an additional neighborhood meeting to assure the interested parties they have a forum to obtain additional information. The letter did contain direct contact information, including an email address for J. Max Van Hoose, VP of Store Planning at Harps Food Stores, Inc. so that comments or questions could be delivered outside of the meeting.
 - Harps has met individually with Charles and Rhonda Smith and Ms. Appleton, the two residents whom property directly adjoins the proposed development. Reviewed the project plan and design. Indicated that we would restrict the

"green" space to the south of the store from future development, would be willing to add additional evergreen type barrier between the store on the north side of the Smith residence, and discussed the potential impact of an R-2 apartment development.

14. N/A