



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Thursday, March 5, 2009

6:30 PM

Council Chambers

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

City Council Chambers, Huntington Building

APPEAL HEARING AT 6:00 P.M.

As requested by Mr. Robert Sartin regarding the denial by the MAPC to rezone property located at 2918 Casey Springs Road from R-1 to I-2 L.U.O.

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

4. Special Presentations

Proclamation and Key to the City presentation to former City of Jonesboro Mayor Hubert Brodell for his numerous years of service

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-09:020 Minutes for the City Council meeting on February 17, 2009.

Attachments: [Minutes](#)

6. New Business

Ordinances on First Reading

ORD-09:011 AN ORDINANCE TO AMEND THE 2009 ANNUAL BUDGET AND THE CITY PAY PLAN FOR THE CITY OF JONESBORO BY ADDING FOUR ADDITIONAL POSITIONS OF CAPTAIN TO THE FIRE DEPARTMENT, INCREASE DEMOLITIONS BUDGET IN POLICE DEPARTMENT-CODE ENFORCEMENT, AND MOVE APPROPRIATIONS FROM OUTSIDE AGENCIES TO BUILDING MAINTENANCE.

Sponsors: Finance

Legislative History

2/19/09

Finance & Administration
Council Committee

Recommended to Council

ORD-09:013 AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO INDUSTRIAL I-2 LUO FOR PROPERTY LOCATED DIRECTLY WEST OF 2914 CASEY SPRINGS ROAD AS REQUESTED BY ROBERT SARTIN

Attachments: [Plat](#)
[MAPC Report](#)
[Affidavit](#)
[Application for Zoning Ordinance Map Amendment](#)
[Appeal Letter](#)
[Warranty Deed](#)

ORD-09:017 AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM AGRICULTURE AG-1 TO RESIDENTIAL RS-6 LUO FOR PROPERTY LOCATED AT THE REAR OF 3700 FLEMON ROAD ON THE NORTH SIDE OF FLEMON ROAD AS REQUESTED BY TURMAN CONSTRUCTION CO.

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

7. Unfinished Business

8. Mayor's Reports

9. City Council Reports

10. Public Comment

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. Adjournment.



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, February 17, 2009

6:30 PM

Council Chambers

PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

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

4. Special Presentations

COM-09:020 State of the City Address as given by Mayor Harold Perrin on February 17, 2009

Attachments: [2009 State of the City](#)

This item was Read.

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, 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; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

MIN-09:008 Minutes for the City Council meeting on February 3, 2009.

Attachments: [Minutes](#)

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

RES-09:016 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS REQUESTING FREE UTILITIES AT 120 CATE STREET, 321 UNION STREET and 310 SOUTH CHURCH STREET FOR THE CITY OF JONESBORO.

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

Enactment No: R-EN-011-2009

RES-09:019 A RESOLUTION TO APPROVE THE FTA CIRCULAR 5010.1D

Sponsors: JETS

Attachments: [C 5010 1D Finalpub](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-012-2009

RES-09:026 RESOLUTION TO NAME JUDGES, CLERKS AND ALTERNATE WORKERS TO SERVE IN THE CITY WATER AND LIGHT PLANT ELECTION OF 2009

This item was PASSED on the consent agenda.

Enactment No: R-EN-013-2009

RES-09:027 A RESOLUTION TO CREATE AND APPOINT MEMBERS TO THE VARIOUS MAYOR'S TASK FORCE AD HOC COMMITTEES FOR THE PURPOSE OF DEVELOPING OPTIONS FOR FINANCING , BUILDING FACILITIES, CAPITAL IMPROVEMENTS, AND 150 YEAR CELEBRATION

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-014-2009

6. New Business

COM-09:018 Request by Mr. Robert Sartin to set an appeal hearing regarding the denial by the MAPC to rezone property located at 2918 Casey Springs Road from R-1 to I-2 L.U.O.

Attachments: [Appeal Request](#)
[Plat](#)
[Affidavit](#)
[Application for Zoning Map Amendment](#)
[Warranty Deed](#)
[MAPC Report](#)

Mayor Perrin stated he and City Clerk Donna Jackson will be in Washington DC during the next regularly scheduled City Council meeting. He asked for the next meeting to be re-scheduled for March 5, 2009, and for the public hearing to be set at 6:00 p.m. on March 5.

Councilman Darrel Dover motioned, seconded by Councilman Chris Gibson, to re-scheduled the next regularly scheduled City Council meeting to March 5, 2009, and for the public hearing to be held at 6:00 p.m. on March 5.

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

Ordinances on First Reading

- ORD-09:007** AN ORDINANCE GIVING NOTICE OF REVISIONS TO TITLE 15 OF THE JONESBORO MUNICIPAL CODE OF THE CITY OF JONESBORO, ARKANSAS
- Sponsors:** Engineering
- Councilman Moore offered the ordinance for first reading by title only.*
- Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and waive second and third readings. All voted aye.*
- Councilman Moore motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.*
- A motion was made by Councilman John Street, seconded by Councilman Charles Frierson, that this matter be Passed . The motion PASSED by an unanimous vote**
- Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears
- Enactment No: O-EN-009-2009
- ORD-09:008** AN ORDINANCE AMENDING APPENDIX 6, GIS DATABASE SUBMITTALS OF THE STORMWATER DRAINAGE DESIGN MANUAL AND FOR OTHER PURPOSES
- Sponsors:** Engineering
- Attachments:** [Table 1 - Attribute Fields](#)
[ARR150000](#)
[Figure 1 Appendix 2](#)
- Councilman Street offered the ordinance for first reading by title only.*
- Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive second and third readings. All voted aye.*
- Councilman Johnson motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.*
- A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by an unanimous vote**
- Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears
- Enactment No: O-EN-010-2009
- ORD-09:009** AN ORDINANCE TO AMEND TITLE 9, STREETS AND SIDEWALKS, OF THE JONESBORO CODE OF ORDINANCES, TO STRIKE AND REPLACE EXISTING CODES THAT ARE IN CONFLICT WITH THE NEW STORMWATER MANAGEMENT REGULATIONS
- Sponsors:** Engineering
- Attachments:** [Stormwater Conflict](#)
- Councilman Dover offered the ordinance for first reading by title only.*

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

Councilman Gibson motioned, seconded by Councilman Dover, 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 an unanimous vote

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

Enactment No: O-EN-011-2009

Resolutions To Be Introduced

RES-08:235 A RESOLUTION TO Condemn property at 5224 E. Nettleton

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST.doc](#)
[5224 Nettleton Ave Building Inspection Report.doc](#)
[100_0588.JPG](#)
[100_0589.JPG](#)
[100_0590.JPG](#)
[100_0591.JPG](#)

Mr. Phillip Cole explained due to the ice storm he was unable to get any help out. He further explained there is a contractor working on the property this time and an electrician should be there in the morning. He asked the Council to remove or postpone this condemnation.

Code Enforcement Officer Jamie Seaborn explained they inspected the property with Chief Building Inspector Terry Adams. He stated the electrical and exterior were very poor. He noted Mr. Cole purchased a permit in November, but no work was done on the house. He added Mr. Cole purchased another permit on February 10, 2009. Mr. Seaborn further explained if the condemnation goes ahead, Mr. Cole will have to show that work is being done to the property to bring it up to code.

Councilman McCall questioned if a permit was purchased in November, what the delay was for not getting work done. Mr. Cole explained he has had some health problems and then the ice storm hit.

Councilman Moore questioned how long Mr. Cole will have to bring the property up to code if the resolution is passed. Code Enforcement Officer Ronnie Shaver explained after the property is condemned Mr. Cole will have 45 days to bring the property up to code. He added if the owner is making good progress on the property, then they will work with the owner.

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED by an unanimous vote

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

Enactment No: R-EN-015-2009

RES-09:013 A RESOLUTION TO Condemn property at 405 Easy Street

Sponsors: Code Enforcement

Attachments: [405 Easy St Building Inspection Report](#)
[CONDEMNATION CHECKLIST](#)
[100_3143](#)
[100_3144](#)
[100_3145](#)
[100_3148](#)

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED by an unanimous vote

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

Enactment No: R-EN-016-2009

RES-09:014 A RESOLUTION TO Condemn property at 1509 Pratt.

Sponsors: Code Enforcement

Attachments: [1509 Pratt Building Inspection Report](#)
[CONDEMNATION CHECKLIST](#)
[100_0680](#)
[100_0681](#)
[100_0682](#)
[100_0686](#)

Ms. Betty Simpson explained they were working on the house when it caught fire. She stated the work they were doing is what caused the fire. She asked for time to fix the house.

Mr. Seaborn stated a demolition permit was purchased in December, 2008. He added since Ms. Simpson is wanting to repair the home she will need to purchase the necessary permits and will have the 45 days to work on the property.

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

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

Enactment No: R-EN-017-2009

RES-09:018 A RESOLUTION BY THE CITY COUNCIL OF JONESBORO, ARKANSAS TO ALTER THE OFFICIAL ROUTE DESIGNATED AS A NATIONAL SCENIC BYWAY BY SEEKING AN AMENDMENT OF CERTAIN PORTIONS THAT LIE WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS

Sponsors: Parks & Recreation

Attachments: [Crowley's Ridge-Jonesboro Topo 1](#)

Ms. Marcia Patton discussed the route of the byway. She stated she is not against anything to do with hiking or biking, but she expressed concern about the route being on Culberhouse due to possible danger from the high level of traffic on Culberhouse. She explained she doesn't want the route to change from her area on Harrisburg Road. Parks Director Jason Wilkie explained the route will not change on Harrisburg Road; rather, the change will be further south. He noted Ms. Patton will still be on the scenic byway. He further explained the change was made at the request of scenic byway officials so the route could cross the entrance of Craighead Forest Park and the Nature Center.

A motion was made by Councilman Chris Moore, seconded by Councilman Jim Hargis, that this matter be Passed . The motion PASSED by an unanimous vote

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

Enactment No: R-EN-018-2009

7. Unfinished Business

8. Mayor's Reports

Mayor Perrin stated an RFP for the transition audit has been sent out. He added the deadline is February 24th. He added ATA Accounting Firm will be in the City on February 23rd to work with the Finance Department concerning the chart of accounts. Mayor Perrin explained Mr. Jack Turner has returned from Portland, Oregon, from his training at Springbrook. He announced Mr. Floyd Lemm as the new Street Superintendent. He also announced they will be having a public hearing on the Master Street Plan on February 23, 2009, from 5 p.m. to 8 p.m. at the Huntington Building. He added there will also be a Master Street Plan public hearing in Bay on February 26, in Bono on March 2 and Brookland on March 5. He explained the addresses, dates and times will be posted on the City's website and on Channel 24.

COM-09:021 Report as presented by Mr. Tony Thomas to the City Council on February 17, 2009

Attachments: [Report](#)

Mr. Tony Thomas discussed his report and the grant process. He stated as awarded are given to the City, they will give updated reports to the Council to keep them informed. He explained the active grant total is \$7.2 million with the City's share being \$847,312, or 12%. Councilman Moore questioned why the Parks Department has over \$900,000 worth of grants, but the rest of the City only has a little over \$100,000. Mr. Thomas stated it depends on what is available. He explained there are grants available, but the City has to tailor itself to what grants are available and use that to figure out what projects the City should pursue. He further explained the Police Department has applied for other grants, but was not awarded any money. He noted planning on the City's behalf and the department's behalf help take advantage of more opportunities. Councilman Hargis noted in the past the City has received money for sidewalk improvements, but there is nothing in the report regarding sidewalk improvements. Mr. Thomas stated the funds for sidewalk improvements have dried up at this point in time. Councilman Gibson questioned whether the other departments are putting together 3, 5, and 10 year plans like the Parks Department. Mayor Perrin stated they will be working with the other departments to devise a plan.

Councilwoman Williams questioned historic preservation grants. She stated citizens have asked about grants to preserve the bridge on Bridge Street, but the work would be costly. Mr. Thomas explained there is a historic preservation grant that is awarded every year. He stated they can start planning the project, so when they get the notice of grant availability they can start the process. He added he would be glad to work with the citizens to make a plan for the project and grant.

This item was Read.

9. City Council Reports

Councilman Street motioned, seconded by Councilwoman Williams, to add an ordinance to the agenda. All voted aye.

ORD-09:012 AN ORDINANCE TO ENTER INTO A CONTRACT FOR DEBRIS REMOVAL AND DISPOSAL RELATED TO THE WINTER ICE STORM AND TO APPROPRIATE MONEY FROM THE UNALLOCATED CAPITAL IMPROVEMENTS FUND

Sponsors: Public Works

Attachments: [Bid Tab](#)
[RFP](#)
[2009 Debris Removal Agreement](#)

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

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

Councilman Johnson motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

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

Enactment No: O-EN-012-2009

Councilman Moore motioned, seconded by Councilman Street, to add a resolution to the agenda. All voted aye.

RES-09:028 RESOLUTION SHOWING SUPPORT IN SECURING INTERSTATE STATUS FOR US 63 (FUTURE I-555)

A motion was made by Councilman Darrel Dover, seconded by Councilman John Street, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

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

Enactment No: R-EN-019-2009

Councilman Johnson questioned the status of the Street and Sanitation facility. Mayor Perrin explained they are waiting on an offer for the proposed property. He further explained once the property is acquired they will contact Stuck & Associates to proceed with the plans. Councilman Johnson then questioned if there are any

problems at the current facility. Mayor Perrin stated he is not aware of any current problems.

Councilman McCall announced the sesquicentennial celebration will start on Thursday, February 19, 2009, at 1:30 p.m. on the front lawn of City Hall. He explained a proclamation will be read by the Mayor, as well as other recognition letters from elected officials. He added they will also announce what the committee is planning for the coming months to celebrate the 150th anniversary.

Councilman Hargis questioned when the contract would start for the debris removal. Public Works Director Erick Woodruff explained they will meet with the contractor tomorrow to plan when the pickup will start. He added public announcements will be made to inform the citizens as to what to do about curbside pickups, but they have a target of this week to start debris removal.

Councilman Vance announced a Stormwater Board meeting tomorrow, Wednesday, February 18th.

10. Public Comment

11. Adjournment.

A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

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

_____ **Date:** _____
Harold Perrin, Mayor

_____ **Date:** _____
Donna Jackson, City Clerk



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: ORD-09:011

Introduced: 2/11/2009

Current Status: First Reading

Version: 1

Matter Type: Ordinance

title

AN ORDINANCE TO AMEND THE 2009 ANNUAL BUDGET AND THE CITY PAY PLAN FOR THE CITY OF JONESBORO BY ADDING FOUR ADDITIONAL POSITIONS OF CAPTAIN TO THE FIRE DEPARTMENT, INCREASE DEMOLITIONS BUDGET IN POLICE DEPARTMENT-CODE ENFORCEMENT, AND MOVE APPROPRIATIONS FROM OUTSIDE AGENCIES TO BUILDING MAINTENANCE.

body

WHEREAS, Ordinance Number ORD-09:005 adopted the 2009 annual budget for the City of Jonesboro; and

WHEREAS, Resolution Number 2004:2 adopted the City Pay Plan; and

WHEREAS, it is recommended by the Finance Committee, to ensure sufficient staffing in the Fire Department, that the positions of Captain be added into Salaries-Fire 01-102-0201-00 in the amount of \$20,000 and Medicare 01-102-0284-00 in the amount of \$290.00;

WHEREAS, it is recommended by the Finance Committee that \$70,000 be appropriated to the Code Enforcement Demolitions account 01-101-0317-00 in the Police Department;

WHEREAS, it is recommended by the Finance Committee that \$19,000 of appropriated expenditures be moved from the Outside Agencies Fund Forum 01-130-0301-00 to Building Maintenance and Grounds 01-115-0221-00.

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

SECTION 1: The annual 2009 budget of the City of Jonesboro is amended by the addition of four Captains in the amount of \$20,290.

SECTION 2: The City Pay Plan is amended to include the positions of four Captains Grade 19, in the Fire Department.

SECTION 3: The annual 2009 budget of the City of Jonesboro is amended by additional appropriations of \$70,000 to the Code Enforcement Demolitions account.

SECTION 4: The annual 2009 budget for the City of Jonesboro is amended by appropriating funds from the Forum account in the Outside Agencies Fund to the Building Maintenance and Grounds in the Building Maintenance Fund.

SECTION 5: For the financial and operational continuity of the City of Jonesboro it is hereby

found and declared that an emergency exists and that this ordinance shall take effect from and after its passage and approval.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: ORD-09:013

Introduced: 2/18/2009

Current Status: First Reading

Version: 1

Matter Type: Ordinance

title

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES.

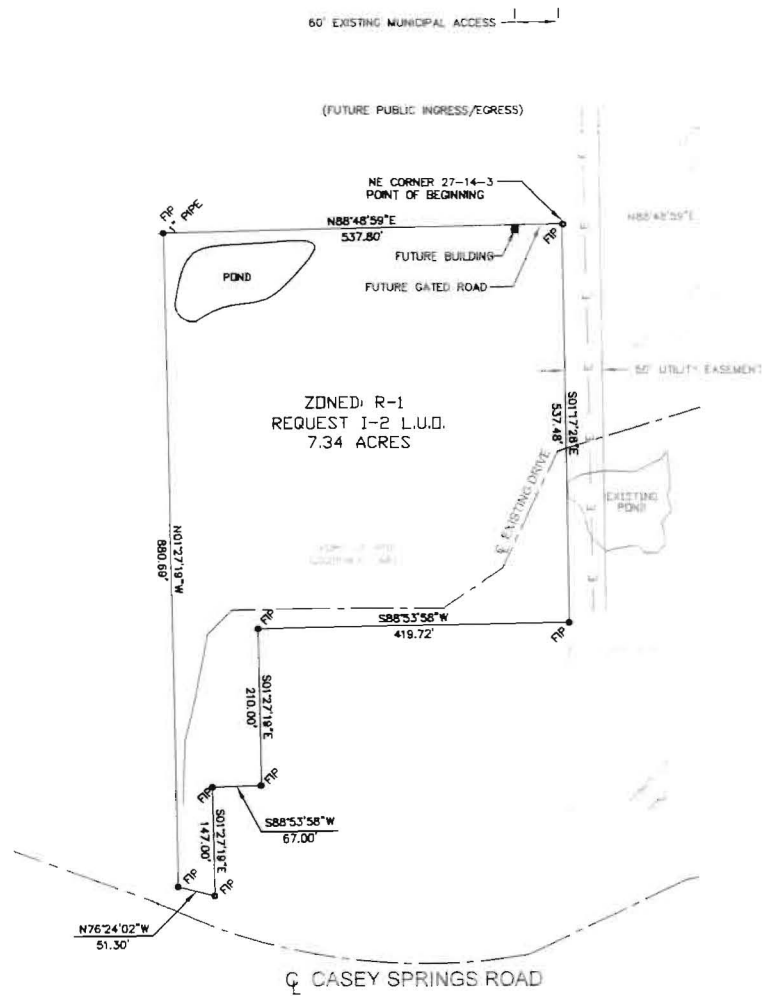
body

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

Section 1. That Title 14 known as the Zoning Ordinance of the City of Jonesboro be amended by the change in zoning district boundaries as follows:

From Residential (R-1) to Industrial (I-2 L.U.O.) of property described as follows: A part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27, Township 14 North, Range 3 East in Craighead County, Arkansas, more particularly described as follows: From the Northeast Corner of said Section 27; thence S01°17'28"E 537.48 feet along the East line of the Northeast Quarter of the Northeast Quarter of said Section 27 to a point; thence S88°53'58"W 419.72 feet to a point; thence S01°27'19"E 210.00 feet to a point; thence S88°53'58"W 67.00 feet to a point; thence S01°27'19"E 147.00 feet to a point on the Northerly Right of Way of Casey Springs Road; thence N76°24'02"W 51.30 feet along said Right of Way to a point; thence N01°27'19"W 880.69 feet to a point on the North line of the Northeast Quarter of the Northeast Quarter of said Section 27; thence N88°48'59"E 537.80 feet along the North line of the Northeast Quarter of the Northeast Quarter of said Section 27 to the point of beginning, containing some 7.34 acres, more or less, being subject to all easements, restrictions, reservations, and rights of way of record.

Section 2. Limited to a use of composting.



60' EXISTING MUNICIPAL ACCESS

(FUTURE PUBLIC INGRESS/EGRESS)

ZONED: R-1
REQUEST I-2 L.U.D.
7.34 ACRES

DESCRIPTION
A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 3 EAST IN CRAIGHEAD COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 27, THENCE S01°17'28"E 537.48 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 TO A POINT, THENCE S88°53'58"W 419.72 FEET TO A POINT, THENCE S01°27'19"E 210.00 FEET TO A POINT, THENCE S88°53'58"W 67.00 FEET TO A POINT, THENCE S01°27'19"E 147.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CASEY SPRINGS ROAD, THENCE N76°24'02"W 51.30 FEET ALONG SAID RIGHT OF WAY TO A POINT, THENCE N01°27'19"W 880.69 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27, THENCE N88°48'59"E 537.80 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 TO THE POINT OF BEGINNING, CONTAINING SOME 7.34 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.



ASSUMED NORTH

SCALE IN FEET

LEGEND

- 0.00' SET IRON PIN (1/2" REBAR W/ MCALISTER AN 1303 CAP)
- 0.00' FOUND IRON PIN (3/8" REBAR EXCEPT AS NOTED)
- OVERHEAD ELECTRIC

NOTES:

1. CLIENTS -- ROBERT & RACHEL SARTIN
2. REZONING REQUEST FROM R-1 (RESIDENTIAL) TO I-2 (INDUSTRIAL LU-O).
3. BASIS OF BEARING -- NORTH LINE OF NW1/4, NW1/4, SEC. 26, T14N, R3E, AS SHOWN BY RECORD PLAT OF WOODSPRINGS FOREST PHASE I, JONESBORO, ARKANSAS, RECORDED IN PLAT CABINET B, PAGE 98 IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.

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.

[Signature]
CLARENCE W. MCALISTER, PROFESSIONAL SURVEYOR NO. 1303

03NOV08

OWNER'S CERTIFICATION

WE HEREBY CERTIFY THAT ROBERT SARTIN AND RACHEL SARTIN AND R & R INVESTMENTS, LLC IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND THAT WE REQUEST THE ZONING CHANGE AS SHOWN HEREON.

R & R REAL ESTATE INVESTMENTS, LLC

[Signature]
ROBERT SARTIN

[Signature]
RACHEL SARTIN



DEC 1 2 2008



Know what's below.
Call before you dig.

REZONING PLAT

A PART OF NE1/4, NE1/4, S27, T14N, R3E
JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

MCALISTER ENGINEERING CIVIL ENGINEERING AND LAND SURVEYING 1013 CR 620 JONESBORO, AR 72404 870-931-1420	DRAWN BY: JH	CHECKED BY: CWM
	SCALE: 1" = 200'	
	DATE: 01NOV08	CAD FILE: 0833202.DWG
	DWG REF: 03E-14N-27	
CLARENCE W. "MAC" MCALISTER, PE, PLS	JOB NO 0833202	SHEET 1 / 1

DATE	REVISION	BY



City of Jonesboro City Council
Staff Report – RZ08-29: Sartin Composting Rezoning- Appeal
 Huntington Building - 900 W. Monroe
For Consideration by the Council on February 17, 2009

REQUEST: To consider an appeal of rezoning a parcel of property containing approximately 7.34 acres more or less as denied by the MAPC.

PURPOSE: A request for rezoning from R-1 Residential to I-2 L.O.U General Industrial Composting District.

**APPLICANT/
 OWNER:** Robert Sartin, Jonesboro, AR, Charles M. Mooney, Sr., Agent
 3703 S. Culberhouse Rd.

LOCATION: Directly west of 2914 Casey Springs Rd., West of Woodsprings Forest Phase 1 Subdivision, East of Tall Birch Rd., North side of Casey Springs.

**SITE
 DESCRIPTION:** Tract Size: Approx. 7.34 acres
 Frontage: Approx. 51.3 along Casey Springs Rd.
 Topography: Sloping
 Existing Dvlpmt: Cellular Tower, vacant land with excavated ground.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: R-1& I-2	Reclaimed Landfill
	South: R-1	Residential
	East: R-1	Residential
	West: R-1	Residential

HISTORY: Mr. Sartin was cited for illegally mining on the subject site. City Inspections/Enforcement as well as State EPA were involved with this activity and the mining/extraction was ceased in 2006. Although there is an active permit issued by ADEQ for the green waste composting facility, Mr. Sartin was made aware that such use of the property necessitates a rezoning and that is the basis for this request. He was last cited in October, 2008 for a recent occurrence where a contractor entered the site with a load of green waste, and has since corrected the situation as seen in the ADEQ inspection link below.

The applicant last filed this request for the July 8, 2008 meeting for a rezoning for a larger acreage (16.48) which extended 926+/- ft more in the eastern direction. The case was later withdrawn.

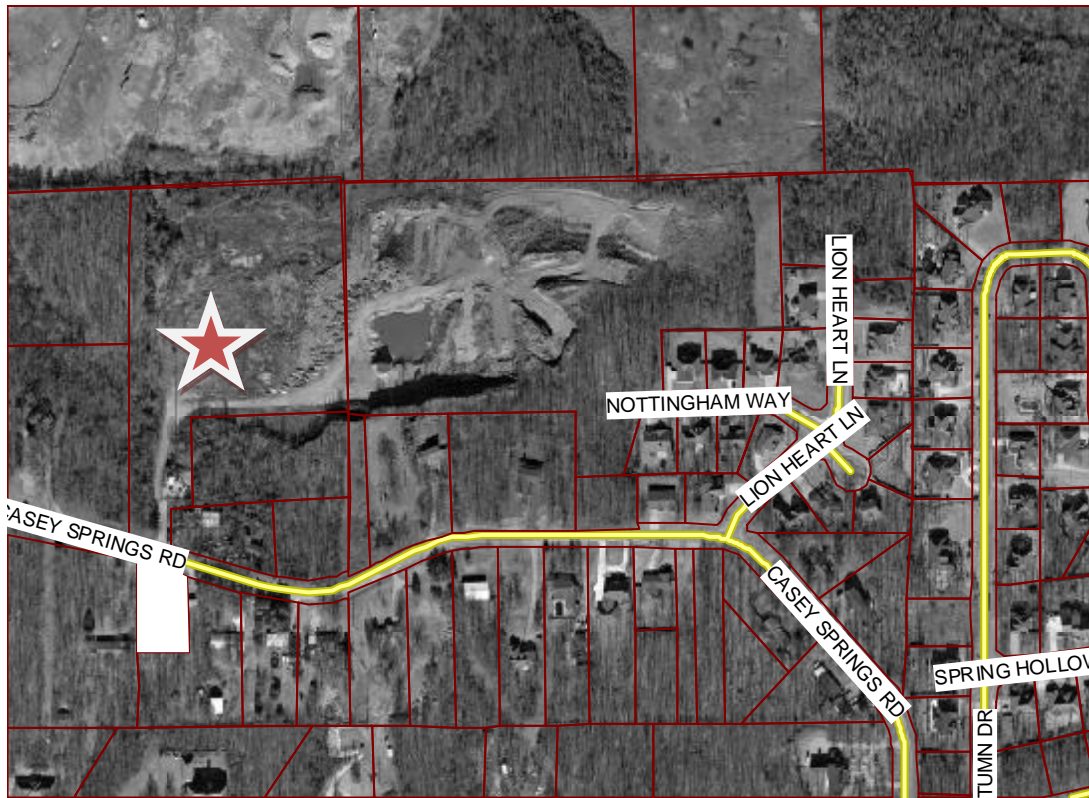
COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Village Residential. This sector is currently under update/study by the Land Use Advisory Committee. Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

Approval Criteria- Section 14.44.05, (5a-g) - Amendments:

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

- (a) Consistency of the proposal with the Comprehensive Plan;
- (b) Consistency of the proposal with the purpose of the zoning ordinance;
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.



AERIAL VIEW SHOWING PROPERTY LOCATION

Findings:

The applicant has proposed to rezone from R-1 Residential to I-2 L.O.U General Industrial Composting District. The applicant will be restricted to receiving and processing only green yard waste. Organic and hazard wastes are not allowed under the green waste permit.

Staff cautions that buffers should be maintained to assure protection to the abutting residential properties. Compost facilities must be regulated and managed properly and controlled with limitations. Misting aroma devices have been installed at facilities around the country where order has become an issue or nuisance. Consideration for such should be made in the areas to the east and south.

The proposed facility would be located next to acreage that was once used for city landfill activity but the use has been ceased. In normal land use planning principals, the locating of a compost facility would be ideal next to a landfill. Unfortunately this acreage is adjacent to a well established and developed subdivision (Woodsprings Forest Phase 1) having upscale real estate. Therefore, protection of the integrity of that neighborhood needs to be considered. The platting land that is currently recording as part of that subdivision should remain residential. Conditions for maintaining a permanent buffer on the plat should be considered to prevent any future expansion to the east of the acreage proposed in this rezoning.

Staff has contacted the Solid Waste Division concerning the outstanding permit. To review past and recent inspections, copy paste the following web link:

http://www.adeg.state.ar.us/solwaste/branch_technical/permitted_facils/p_facil_report.asp?PermitNumber=0018-SCYW-MC or type in "Sartin" as the facility name.

Since May of 1997, the site has been regularly inspected by ADEQ. The original permit is for the acreage within the limits of this proposal and the rezoning area would have to remain in compliance with ADEQ Solid Waste Division.

Metropolitan Area Planning Commission – Record of Proceedings:

The MAPC held a public hearing on January 13, 1009 to consider Case RZ-08-29 and offers the following record of proceedings and recommendation of denial:

Case RZ08-29: Sartin Composting Rezoning- Robert Sartin,

Mr. Skip Mooney, Sr. represented Mr. Sartin and stated that he owns the 7.34 acres of property. We sought to rezone substantially more property in the previous rezoning. We have pulled back on that acreage. He is in the lawn cleaning, planning and development business. In connection with his business he has an enormous amount of green lawn waste.

The property is located off of Casey Springs Rd. and it joins the now owned City land fill on the South. He has owned it for at least 25 years He has used it over the last 20 years for composting. He is one of the few, I think of 3 in the state that have permits issued by ADEQ.

We have met with the neighbors and explained what we are going to do, and how it would not reduce the value of their property. The landfill was to the north prior to the building of most of those homes. He has been operating for 20 years. He was advised by the City in October 2008 that he needed to rezone it. He has been using it for composting all the time. He is requesting I-2, L. U. O. only for composting. The property owned by the City is I-2. Mr. Mooney stated that Mr. Sartin has agreed to all of the conditions of the Staff report. He has been licensed by ADEQ. He has worked with them for over 20 years. Mr. Mooney read all the conditions.

His company is a large industry in the city that employs 60 to 100 people. There is no other composting site in this area to dump legal waste. At the present time the City is permitting it. We feel with the opening of this facility that it will cause a lot of illegal dumping to cease, where it can be maintained, supervised and authorized by the state agency. Because many people do not understand composting I asked Mr. Sartin to speak to the MAPC.

Mr. Sartin stated that he apologize for the withdrawal previously that people got upset. He had an emergency. We have been operating since the 1980's on this property; permitted since 1987. We have tried to comply. We do yearly inspections. We have to maintain all requirements. It used to be worse, because when they were at the city they could see me. They made us put up a cash bond. In the 1990's I bought the property. The 15 acres east of the property is left to protect the site. There is no subdivision that touches the proposed land. All of the back touches the City landfill property. It allows for a good buffer. We are not dumping trash only greenway waste for the survival of our company to have a place to put our stuff.

Part of the property was grandfathered in under mining. This second phasing did not meet the timing. When the City said it didn't meet mining we stopped. That has ceased as of October, we have not been dumping there. We have been put on hold on everything, and I can't put a dozer there until I get this problem fixed.

The thing that is good about a compost facility is that it can be reclaimed one day. I am not creating an environmental problem. We are not putting any trash or bringing in products harmful for the environment, we have to meet ADEQ specs.

Composting goes along with our promoted 2009 goals to deal with greenway waste. No one has anywhere to go with their leaves and clippings. It is very expensive for everyone to deal with greenway waste. Wet leaves at \$26.00 per ton would be a lot of money and it doesn't need to be buried but reused.

We don't have good top soil. Looking forward to making his own top soil which is only good for the first 6". When you take these products that are naturally given and reuse them, it is good for the community. New industry comes and they are looking at how they can get rid of their waste. He added that he is not trying to create a traffic problem. Not interested in opening on Sundays. Try to minimize the noise. Most of the property around us belongs to me. There will be a sifting machine to sift out the nails, glass. That will be the main equipment. We've met everything engineering that ADEQ needs. The City has requested an I-2 be applied for so that I can continue.

Opponents:

Derek Falls, lives in Woodsprings Forest Subdivision; *Mr. Falls* stated that the residents of Woodsprings Forest and Casey Springs Road oppose a compost landfill of any size on Casey Springs Road for the following reasons: increased traffic, noise pollution, odors, rodents and decreased property value. A meeting was held with Robert Sartin and residents of Woodsprings Forest on September 30, 2008 to discuss concerns and no compromise was reached. A compost facility is a commercial operation and according to the 1996 Comprehensive Land Use Map, Woodsprings Forest is recommended as Village Residential. That shouldn't change because someone's illegal mining activities destroyed a large portion of that neighborhood. The City of Jonesboro gave me a plat in 2004 before I purchased my house showing 30 additional lots by my house in Phase II of Woodsprings Forest. I called Robert Sartin who then told me he had nothing planned and that it was R-1 and the only thing that could be built was houses. He also sold my lot as a residential lot in 2001. Within 6 months of me purchasing my house he was illegally

mining gravel on that land and it took the City of Jonesboro a year to stop him. I would have never bought my house had Robert been forth coming.

In the Spring of 2008, another neighbor called Robert Sartin to inquire about his activities behind the house he was considering to purchase. Robert told him nothing about a compost facility and explained he was just building a warehouse nobody would ever see.

Mr. Falls stated that Robert Sartin has never been completely honest with us. He appears to have no respect for laws or ordinances that do not suit his purpose. We suspect his commercial compost will be run the same way. The only reason he finally quit dumping behind our house was because he got caught by a camera on a cell phone. His assurances mean nothing to the residents of Woodsprings Forest and our property values will decline tremendously if this compost is allowed.

Mr. Fall further stated that another concern they have is the large amounts of yard waste currently being collected by the City of Jonesboro that the city has no place to dispose. There is a massive amount rotting on Strawfloor waiting for a legal compost facility. Per the Public Works Council Committee minutes on September 4, 2008, the City would be in violation of the ADEQ for having an illegal compost site if the landfill were inspected. That site is still there. We also know that as far back as October 2007, there have been discussions with Robert Sartin to take the green waste from the City. Take it somewhere else. Legacy Landfill has 10 acres right now that can be used as a compost site and additional land that could possibly be leased by someone wanting to start a compost facility. Lacy Compost next to Razor Rock also has a permit pending with the ADEQ. Mr. Falls stated that this site does not have any residences within miles and is adjacent to many, many acres of legal gravel mines. There are options other than Casey Springs Road.

Mr. Falls added that in Mr. Sartin's most recent ADEQ inspection he was cited for operations not following acceptable methods performed by a licensed operator to which he responded that must be a new requirement but yet he had been cited for that prior. The old landfill is closed and will become green area. Why create another nuisance. He presented a petition of 40 signatures opposing.

Mike Ledbetter, 626 W. Washington- *Asked Mr. Mooney if he said he has permitted for 20 years, in R-1. This land is dear to the Lawson Family, my wife's family lives along Casey Springs. They have had to suffer through the land fill for quite some time. This is about to be shut down. Let's let this area heal. Plans are to connect Washington to the south, and connect Casey Springs around to Parker Road. There is a lot of activity and potential for something better.*

Mr. Howard Cowgill, 2813 Casey Springs- *Mr. Mooney stated that everybody has been talked to by his party? He has not talked to me. He has not stated where the entrance will be? Is this a business to operate? Is he doing it for profit with top soil to resell? There is only one little sign company that was grandfathered in. There are a lot of questions. The old dump is so far removed. In his case he will place it where it will abut residential houses. There will be little critters drawn to this site. One child has gotten bit by a copperhead. There are young children in the area. How many trucks will be used? How can we be sure that they are not tearing up streets and driving inappropriately? All past city planners were in support of this. That doesn't mean put it here. We have not been told all the facts. He commented on property values. It was inferred that he will hire so many people. That has nothing to do with this rezoning.*

William Budd, 2806 Casey Springs- The house next to me is for sale. Everybody that visits that house because of the back fence and property line, they want to know if they want to connect to it. They love it but they say we will have land fill behind that house. The man has tried to sell their house for 2 years. Stated concerns over mining going on, and his 5 year old grandson; the rattle snakes and copperheads have been an issue. Moved here in 1974 and he didn't have a landfill behind our house at its current height. What about the plastic bottles and paint cans that they mow and collect? Who will check for it.

Judith Holland, 2813 Nottingham Way- She is a teacher at the school at the end of Casey Springs. There are 50 students that drive that area. We have 325 students in our school; you have parents/students/teachers arriving before 8 AM and after 3 PM school. She stated concerns about operating hours from 7 AM to 6 PM, with trucks on Casey Springs as the only way out. It will be difficult for students and parents on that road with hauling limbs.

Mr. Bobby Wright, 2818 Casey Springs Rd.- He asked, how many people walked over there and looked at that situation? Last fall a truck went by his house full of logs, 2 ft. in diameter he went and saw where they dumped there and it is not just grass and leaves there is everything there. With 1500 lbs. of Bermuda grass sitting down there, you will a breeding ground for skunks, rats, and possums.

Sidney Crawford, 3021 Casey Springs Rd.- Lived there since 1974. He has fought this for years- the landfill. There was a 1976 fire with 55 gallon drums shooting 1000ft. in the air. Little Rock National Guard took 6 months to contain it. He got on a frontend loader and we could not contain it. Put up with that for 2 years. Land fill out there was suppose to be closed by ADEQ back in 1984 was supposed to be closed and capped off. It kept getting bigger. It's still not capped off like it should be. They moved shop out there and there was methane gas; they moved them back out there. Tired of it being harassed out there with trash hauled there and their limbs fall off the trailers and they don't pick them up. Want it somewhere else. He is opposing it being changed from residential to business.

Staff Presentation:

Mr. Spriggs stated that this facility is proposed to be a commercial enterprise. He stated for the record that the use described is not a legally accepted nonconforming use in terms of operation of the facility. Mr. Sartin has obtained approval/permit for the operation, with ongoing inspections. We stated to Mr. Sartin in 2006 concerning the use of the property as composting that rezoning was necessary.

Mr. Spriggs added that the illegal fill/extraction area that was part of the original Woodsprings Heights Subdivision was approved as a preliminary plan subdivision. Mr. Sartin in 2008, applied for a larger tract of land that included this area next to the existing R-1 Subdivision. Since that time an illegal occurrence of materials being taken in occurred in October, 2008 and he was put on notice with a Zoning Violation/Citation. He at that time complied and also submitted that information to ADEQ as noted in his last agency inspection.

Mr. Spriggs stated that it was mentioned earlier, the conditions of the staff summary. He added that he has experience the impacts of a private compost facility. There are a number of nuisances that have been incurred by neighboring residents, which are true in terms of odor and other impacts mentioned that the MAPC should take under consideration. The misting devices were required in the earlier mentioned example which does alleviate the smell issue to an extent.

For most landfills there is typically a setback and staff has recommended a minimum setback of 100ft in terms of proximity to residential; MAPC does have liberty to increase that number.

The facility is to be accessed off of Casey Springs Rd. as it is currently. It was mentioned earlier, that the drives and parking areas need to be addressed in terms of surfacing to prevent any deterioration of public streets. Access to and from the site needs to be properly developed to allow for emergency response because of susceptibility of fires.

Mr. Spriggs concluded that in terms of the regulatory standards, they are covered by other agencies such as ADEQ. Staff's concerns are from the land use perspective of terms of proximity to residential to avoid any future nuisances. If a recommendation is sent to Council he provided the following possible conditions:

- 1. The property shall be limited as General Industrial Composting and shall receive and process green yard waste only. Organic and hazard wastes shall be prohibited.*
- 2. A minimum buffer of 100 ft. shall be provided and maintained between any compost storage/process pile and any nearest domicile.*
- 3. If in the future a nuisance is declared by the City of Jonesboro City Council concerning odors, misting aroma devices shall be installed at the facility to east and south.*
- 4. Line of fill and processing compost material shall be limited to a set back from the East, West and South boundaries at 50 ft. minimum and with no allowance for expansion.*
- 5. The compost facility shall remain in permit compliance with ADEQ Solid Waste Division and any regulating agency applicable.*
- 6. Hours of operation shall be limited to 7:00 am to 6:00 pm, Mondays through Saturdays only.*
- 7. Any new accessory building structures shall be submitted as part of the building permit process and shall be located a minimum 10 ft. from any property line.*
- 8. Any vehicular parking areas shall be paved and meet minimum parking requirements, excluding curbing. Driveways shall be constructed with compacted SB-2/chat to prevent illegal debris, soil, mud or dust from street right of ways.*
- 9. Signage shall be limited to directional signage and one ground monument sign in compliance with signage code set back and size restrictions.*

Mr. Sartin's rebuttal: *The property that I purchased; I have investment in this. I know that the houses have been selling and one just sold a month ago. We have not hurt property values. We have been doing this for over 20 years and they put a subdivision behind a landfill.*

Composting is not a dump. I have been there for 20 years we have not had a fire, or other problems with the City. Meeting regulations is the thing that I have done. It was not till 2006 that we have ask for rezoning. It is not just the city issue but it is state issue for me and the rules have changed even for the state year to year. Now they want a manned facility. If I get a violation, I have to have time to clean it up. I've had people break in and dump a whole house on me there. That is not green waste.

Mr. Sartin stated that he felt sorry for the family that had a grandson who got bit by a copperhead. We all have snakes; I have snakes in my back yard. Smell comes from making mulch. I am making a top soil and it will not smell like the mulches do. You have to make good mulch you don't want pine and stuff that create termites. I don't want to do something like that.

Mr. Sartin added that he is not trying to devalue the neighborhood, I own the property. With the mining issue, I didn't know I was doing that illegal at the time. I have not been doing that. I have a mining permit. I met the requirement. We sent out 30 letters inviting people in the neighborhood to come to a meeting, to go over issues. I had 8 people to show up. Have been doing this for 20 years. He stated that he has the City's best interest at heart. He owns 20 acres, and is only using 7 acres. And a big portion of that is behind these homes that they say they are losing value, and they are not.

***Mr. Bobby Wright:** Number one I think we are seeing more misrepresentation. We were never told that this is a commercial enterprise. He can do that somewhere else. It does devalue your property. There is odor. He commented on the fire risks. If this was his home he wouldn't put this in his back yard. He is a business man. I find it hard to believe, he didn't know that it was illegally mined. To me, he did it as long as he could get away with it.*

***William Budd** stated he work for Best Manufacturing. We are located off Dan Avenue. He mentioned the example of the man that took pallets and grinded them up and it caught fire. It burned for months. This is behind me. If they flood it to put the fire out, It causes an EPA problem. It is a mental thing, and no one will buy your house.*

***Mr. Reggy Holland,** 2813 Nottingham Way- He attended the meeting with Mr. Sartin and he asked Mr. Sartin if he would live next to a compost facility, and he didn't respond to it. He has lived there since 2000. Only time he came in to clean it up is when we have called to complained. He didn't do it then and he won't do it now.*

Mr. Marvin Day made a motion to recommend denial to City Council because this is not adequately buffered and appropriate for the area. The motion was 2nd by Ms. Norris. The case was denied unanimously.

Action:

A motion was made by Secretary Marvin Day, seconded by Margaret Norris, that this Rezoning be Denied. The motion CARRIED by the following vote: Ms. Norris- Aye; Mr. Roberts- Aye; Mr. Tomlinson- Aye; Mr. Day- Aye; Mr. Hoelscher- Aye. Absent were: Mr. Collins, Mr. Dover, Mr. Halsey.

Conclusion:

The MAPC finds that the requested zone change submitted by Robert Sartin should be denied, based on the above observations, by the City Council as I-2 General Industrial District (5 to 0 vote). The applicant and his agent are requesting an appeal of that decision before the Council.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View at terminus of Nottingham Way Looking West



View looking towards Nottingham Way



View looking North from Nottingham Way



View looking North from Nottingham Way



View looking North at Entrance/Casey Springs



View looking North at Entrance/Casey Springs



View of abutting property at entrance (East)



View looking North at Entrance/Casey Springs



View looking East on site



View looking Northeast on site



View looking East on site



View looking Northeast on site

View of property south of the entrance



View from drive entrance looking West



View looking east from entrance on Casey Springs



View looking east and south from entrance on Casey Springs



View from site



View on property site

AFFIDAVIT

I, Rachel Sartin, being duly sworn, state as follows:

1. I am familiar with the property located at 2918 Casey Springs Road, Jonesboro, Arkansas. Floyd and Virginia Wineland purchased said land from J.C. Hall and Jane Hall in May of 1985.

2. Prior to said purchase, Floyd and Virginia Wineland were leasing this property from J.C. Hall and Jane Hall and using the land as a pit since 1982. That Floyd Wineland operated a business by the name of Wineland Sand and Gravel.

3. Robert Sartin and Rachel Sartin leased the said property from Floyd Wineland and Virginia Wineland from 1982 until August 11, 1994, for the disposal of yard waste from the operation of their business, Sartin Services Complete Lawncare, Inc.

4. That Robert Sartin and Rachel Sartin then purchased the said property from Floyd Wineland and Virginia Wineland on August 11, 1994, to secure a disposal site for their growing business.

5. In 1997 the City of Jonesboro and ADEQ required the compost site to be officially licensed and permitted. Sartin Services Complete Lawncare, Inc., filed a notice of intent and applied for Storm Water Permit and a Yard Composting Facility Permit in April of 1997. The site received approval for the Storm Water Permit on May 1, 1997. The Yard Waste Compost Permit was approved on November 4, 1997.

DATED this 11th day of February, 2009.

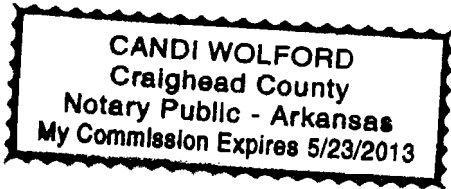
Rachel Barton
Rachel Barton

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

SUBSCRIBED AND SWORN to before me on this 11th day of February,
2009.

Candi Wolford
Notary Public

My commission expires:
5/23/2013





Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: _____

Case Number: _____

LOCATION:

Site Address: 2918 Casey Springs Road

Side of Street: North between Pembroke Lane and tower location road

Quarter: NE NE Section: 27 Township: 14 N Range: 3 East

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-1 Residential Proposed Zoning: I-2 L.I.L.O. composting

Size of site (square feet and acres): 7.34 acres Street frontage (feet): 51.3' Casey Springs Road

Existing Use of the Site: vacant

Character and adequacy of adjoining streets: 2 lane local road

Does public water serve the site? yes

If not, how would water service be provided? _____

Does public sanitary sewer serve the site? yes

If not, how would sewer service be provided? _____

Use of adjoining properties:

North R-1 - I-2 - landfill

South R-1

East R-1

West R-1

Physical characteristics of the site: gradually sloping

Characteristics of the neighborhood: residential abutting landfill

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.

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.

Applicant:

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

Attorney Charles M. Mooney

Name: Robert Sartin

Name: Charles M. Mooney, Sr.

Address: 2703 S. Culberhouse Road

Address: 401 S. Main Street

City, State: Jonesboro, AR ZIP 72404

City, State: Jonesboro, AR ZIP 72401

Telephone: (870) 935-0357

Telephone: (870) 935-5847

Facsimile: _____

Facsimile: (870) 935-4438

Signature: [Signature]

Signature: _____

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

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.

REZONING INFORMATION

- (1) How was the property zoned when the current owner purchased it? **R-1**
- (2) What is the purpose of the proposed rezoning? Why is the rezoning necessary?
Composting
- (3) If rezoned, how would the property be developed and used? **Composting**
- (4) What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?
Processing
- (5) Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?
- (6) How would the proposed rezoning be in the public interest and benefit the community? **Currently no facility for composting**
- (7) How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? **Compatible with the property North and would be buffered on the East for residential property**
- (8) Are there substantial reasons why the property cannot be used in accordance with existing zoning? **Yes, composting not allowed in R-1 area**
- (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 facility would be locked and not available to the public. No effect with reference to odor, noise, light, vibration, hours of use or operation.**
- (10) How long has the property remained vacant? **Never developed**
- (11) What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services. **No effect except for fire service**
- (12) If the rezoning is approved, when would development or redevelopment begin? **At once**

- (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.* **Had one meeting with the neighbors on the east side and have changed development size.**
- (14) If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted. **For composting**

APPEAL TO THE JONESBORO CITY COUNCIL

REQUEST FOR HEARING ON APPEAL FROM THE METROPOLIAN AREA PLANNING COMMISSION

Comes the appellant, Robert Sartin, by and through his attorneys, Mooney Law Firm, and for his appeal from the decision of the Metropolitan Area Planning Commission, states:

1. Appellant is the owner of the following described real property located in Craighead County, Arkansas, to-wit:

A part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27, Township 14 North, Range 3 East in Craighead County, Arkansas, more particularly described as follows: From the Northeast Corner of said Section 27; thence S01°17'28"E 537.48 feet along the East line of the Northeast Quarter of the Northeast Quarter of said Section 27 to a point; thence S88°53'58"W 419.72 feet to a point; thence S01°27'19"E 210.00 feet to a point; thence S88°53'58"W 67.00 feet to a point; thence S01°27'19"E 147.00 feet to a point on the Northerly Right of Way of Casey Springs Road; thence N76°24'02"W 51.30 feet along said Right of Way to a point; thence N01°27'19"W 880.69 feet to a point on the North line of the Northeast Quarter of the Northeast Quarter of said Section 27; thence N88°48'59"E 537.80 feet along the North line of the Northeast Quarter of the Northeast Quarter of said Section 27 to the point of beginning, containing some 7.34 acres, more or less, being subject to all easements, restrictions, reservations, and rights of way of record.

2. The property is a 7.34 acre +/- tract generally located at 2918 Casey Springs Road, West of 2914 Casey Springs Road, West of Woodsprings Forest Phase 1 Subdivision, East of Tall Birch Road and on the North side of Casey Springs Road.

3. Appellant and his predecessor in title have owned this property for many years.

4. This property is zoned Residential (R-1) and was so zoned during the mass annexation of property by the City a number of years ago. The highest and best use of the property is Industrial (I-2 L.U.O.). Appellant applied for an Industrial (I-2 L.U.O.) zoning in order to bring the property into proper zoning for its highest and best use and its planned use. The Metropolitan Area Planning Commission denied appellant's request to rezone said property from R-1 to I-2 L.U.O. This property was grandfathered into the City for its present use at the time the City passed its annexation ordinance.

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

6. Appellant states that he has adequate grounds for appeal and the action of the Metropolitan Area Planning Commission in refusing to recommend rezoning of said property as requested is without basis in law or fact. Further, the action of the Metropolitan Area Planning Commission is arbitrary and capricious as well as in violation of appellant's constitutional rights and the City Council should hear the appeal and override the action of the Metropolitan Area Planning Commission and rezone the property to an I-2 L.U.O. zoning classification.

7. Appellant states that the interim city planner recommended the change in zoning.

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

MOONEY LAW FIRM, P.A.
P. O. Box 1428
Jonesboro, Arkansas 72403
870-935-5847

By Charles M. Mooney, Sr.
Charles M. Mooney, Sr.
Arkansas Bar No. 61020
Attorney for Appellant

Warranty Deed

(WITH RELINQUISHMENT OF DOWER & CURTESY)

KNOW ALL MEN BY THESE PRESENTS

THAT WE, Floyd Wineland and Virginia Wineland, his wife,
for 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
Robert Sartin and Laura Rachael Sartin, his wife, as tenants by the
entirety, the receipt of which is hereby acknowledged,

we hereby grant, bargain, sell and convey unto the said
Robert Sartin and Laura Rachael Sartin, his wife, Grantees
and unto their heirs and assigns forever, the following lands lying in the County of Craighead and
State of Arkansas, to-wit:

A part of the Northeast Quarter of the Northeast Quarter of Section
27, Township 14 North, Range 3 East, more particularly described as
follows: Beginning at the Northeast corner of the Northeast Quarter
of Northeast Quarter of said Section 27; thence South along the Section
line 537.5 feet; thence South 88° 28' West 420 feet; thence South
210 feet; thence South 88° 28' West 67 feet; thence South 147 feet
to the centerline of a County Road; thence North 75° 50' West
along said centerline 50 feet; thence North 880 feet to the North
line of the Northeast Quarter of the Northeast Quarter of said
Section 27; thence East along said Section line 536.5 feet to
the point of beginning proper, containing 7.25 acres, more or less.



To have and to hold the same unto the said Grantees
and unto their heirs and assigns forever, with all appurtenances thereto belonging.
I, Floyd Wineland and Virginia Wineland, his wife, Grantees
do hereby covenant with said Grantees
that we will forever warrant and defend the title to the said lands against all claims whatever.
I, Floyd Wineland and Virginia Wineland, his wife, Grantees
for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantees
our rights of dower, curtesy and possibility of Homestead in and to said lands.

WITNESS our hands and seals on this 11th day of August, 1994.
Floyd Wineland (R.S.) Virginia Wineland (R.S.)
Floyd Wineland Virginia Wineland

STATE OF ARKANSAS)
COUNTY OF CRAIGHEAD) SS

BEFORE ME, Notary Public within and for the County aforesaid,
did appear and being Floyd Wineland and Virginia Wineland, his wife,

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

And on the 11th day also voluntarily appeared before me each of the said grantors separately, and each grantor in the
presence of each grantor's spouse declared that he or she had, of his or her own free will, executed said Deed and signed
therein and the relinquishment of dower, curtesy and homestead in the said Deed for the consideration and purposes therein
expressed and set forth, without compulsion or undue influence of such grantor's spouse.

I, Diana Street, Notary Public on this 11th day of August, 1994.
Diana Street
Dian Street

CERTIFICATE OF RECORD #56347

STATE OF ARKANSAS)
COUNTY OF CRAIGHEAD) SS

I, Shannon Vickens, Circuit Clerk and Ex-Officio Recorder
of the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in
this office on the 12th day of August, A.D. 1994, at 10:25 o'clock A. M.

and has been duly recorded, with acknowledgments and certificates thereon in Deed Record DR 665.

I, Shannon Vickens, Clerk and Ex-Officio Recorder
Shannon Vickens
Circuit Clerk and Ex-Officio Recorder D.C.

I, Bill Sal, Notary Public do hereby swear that at least the legally correct amount of documentary stamps have been placed on this instrument.
Address 3703 South Collier Ave Jonesboro, AR

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS:

That we, **Robert Sartin and Rachel Sartin**, husband and wife, **GRANTORS**, for and in consideration of the sum of Ten Dollars (10.00) and other good and valuable consideration, to us, cash in hand paid by **Tommy Williams and Karen Williams**, husband and wife, **GRANTEES**, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said **GRANTEES**, and unto their heirs and assigns forever, **an undivided one-half Interest** in and to the following lands lying and being situate in the County of Craighead, State of Arkansas, to wit:

A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 14 North, Range 3 East, more particularly describes as follows: Beginning at the Northeast corner of the Northeast Quarter of the Northeast Quarter of said Section 27; thence South along the Section line 537.5 feet, thence South 88 degrees 28' West 420 feet; thence South 210 feet, thence South 88 degrees 28' West 67 feet' thence South 147 feet to the centerline of a county road; thence North 75 degrees 50' West along said centerline 50 feet; thence North 880 feet to the North line of the Northeast Quarter of the Northeast Quarter of said Section 27; thence East along said section line 535.5 feet to the point of beginning proper, containing 7.25. acres, more or less. The real property or its address is commonly known as Casey Springs Road, Jonesboro, Arkansas.

To have and to hold the same unto the said **Tommy Williams and Karen Williams** and unto their heirs and assigns forever, together with all and singular the tenements, appurtenances and hereditaments thereunto belonging.

And we hereby covenant with the said **Tommy Williams and Karen Williams** that we will forever warrant and defend the title to said lands and property against the lawful claims of any and all persons whomsoever.

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.


Tommy Williams, Grantee

Jonesboro, AR 72401

And we, Robert Sartin and Rachel Sartin, husband and wife, hereby release and relinquish unto the said Tommy Williams and Karen Williams and unto their heirs and assigns, all of our right or possibility of dower, curtesy and homestead in and to the said lands.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this ____ day of May, 2001.

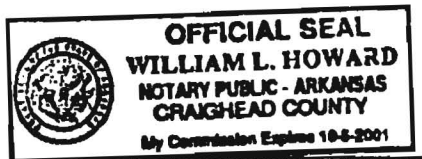
Robert Sartin
Robert Sartin
Rachel Sartin
Rachel Sartin

ACKNOWLEDGMENT

STATE OF ARKANSAS }
 } ss.
COUNTY OF CRAIGHEAD }

On this day, personally appeared before me, Robert Sartin and Rachel Sartin, husband and wife, known to me to be the persons whose names our subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and official seal this 30th day of MAY, 2001.



My Commission Expires

William L. Howard
Notary Public



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: ORD-09:017

Introduced: 2/26/2009

Current Status: First Reading

Version: 1

Matter Type: Ordinance

title

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE
PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES

body

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

SECTION 1: That Title 14 known as the Zoning Ordinance of the City of Jonesboro be amended by the change in zoning district boundaries as follows:

From Agriculture (AG-1) to Residential (RS-6 L.U.O.) Single-Family Medium Density Limited Use Overlay, being developed as approved in the final subdivision of Prairie Meadows, with the property being described as follows: A part of the East ½ of the Northwest Quarter and a part of the West ½ of the Northeast Quarter, all in Section 4, Township 13 North, Range 3 East, Craighead County, Arkansas, more particularly described as follows: From the West quarter corner of said Section 4, thence N 88°30'06" E 1304.00 feet; thence 01°37'33" W 46.90 feet to the point of beginning; thence continue N 01°37'33" W 793.10 feet; thence N 88°30'47" East 177.50; thence S 01°37'33" East 789.76 feet; thence S 87°26'03" W 177.50 feet to the point of beginning, containing 3.22 acres, more or less.

SECTION 2: It is found and declared by the City Council that proper use of the tract of land in this Ordinance is being delayed because of improper zoning and that, therefore, an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety, it shall take effect from and after its passage and approval.



City of Jonesboro City Council
Staff Report – RZ09-02: Prairie Meadows Part 2 Rezoning
Huntington Building - 900 W. Monroe
For Consideration by the Council on February 17, 2009

REQUEST: A recommendation by MAPC to the City Council to rezone property containing 3.22 acres more or less.

PURPOSE: To rezone a tract of land from AG-1 to RS-6 L.U.O. Single Family.

**APPLICANT/
OWNER:** Ridge Estates, LLC
6555 Hwy. 1 South, Jonesboro, AR 72401

LOCATION: The subject site is located at the rear of 3700 Flemon Rd; on the North side of Flemon Rd., East of Hwy.226 and 2,000 ft. West of Friendly Hope Rd. and lies within the Prairie Meadows Subdivision which is now under construction.

SITE DESCRIPTION: Tract Size: 3.22 Acres
Frontage: Approx. 612.27 +/- ft. on Meadow Dr./Cove; 177.5' on Flemon Rd.
Topography: Predominantly Flat
Existing Dvlpmt: Single Family lots/open space park, detention.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: R-1 Residence	Residential/Timber Farming
	South: AG-1	Vacant Agricultural
	East: R-1/AG-1	Single Family
	West: AG-1	Undeveloped/Residential

HISTORY: A previous petition for rezoning of the adjacent parcel to the north containing 27.22 acres more or less is on file (Case RZ 05-35). The requested change in Zoning from AG-1 and R-1 Single Family was approved under ORD 06:134 on May, 2, 2006 by Council.

ZONING ANALYSIS: City Planning Staff has reviewed the proposed development and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Comprehensive Plan shows the area of the subject property as “Village Residential”. This is defined on Page 21 of the Comprehensive Plan as: Includes all future single-family residential, two-family residential, multi-family residential and manufacturing housing residential uses that are four or more units net per acre and that are in specifically designated areas.

This area is under restudy by the Land Use Advisory Committee, and updates are forthcoming for adoption in the very near future. Staff anticipates that the subject area will remain single family residential. Consistency is achieved with the development patterns of this area.

Approval Criteria- Section 14.44.05, (5a-g)- Amendments:

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

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.



Metropolitan Area Planning Commission – Record of Proceedings:

The MAPC held a public hearing on February 10, 1009 to consider Case RZ-9-02 and offers the following record of proceedings and recommendation:

Mr. Carlos Wood, Engineer for the owner stated I have submitted a rezoning plat. Somehow he purchased this subdivision in 2 parcels from 2 separate people. Somehow the southwest corner was platted for rezoning but was not filed and submitted to the MAPC. We are requesting that it be rezoned to comply with the zoning.

Mr. Spriggs commented that as stated in the Staff report, this was reviewed based on a recent finding of inconsistency in the zoning. The Planning Commission added stipulations to the previous rezoning that the applicant was to add an open-space park and other items. As part of the final plan the detention pond was placed in this area of the site.

MAPC approved the preliminary plat based on the aforementioned rezoning, but the added components were actually overlapping within an AG-1 District; and that was overlooked. The subdivision was platted and recorded. This type of rezoning is consistent with the area; and you will be getting what is already platted and approved-single family homes.

Staff recommends that MAPC approves the rezoning and send it to City Council, contingent upon it being developed as approved in the final subdivision of Prairie Meadows; a rezoning from AG-1 to the RS-6 with the L. U. Overlay.

Motion was made by Mr. Day, to recommend approval to City Council that this request be granted contingent upon it being developed as approved in the final subdivision of Prairie Meadows from AG-1 to the RS-6 with the L. U. Overlay. The applicant did not object to the motion; 2nd by Mr. Lonnie Roberts. Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Roberts- Aye; Mr. Halsey- Aye; Mr. Collins- Aye; Mr. Dover- Aye; Mr. Day- Aye; 7 to 0 vote passed.

Findings:

This particular site is petitioned by the owner, at the request of Staff to be recommended to Council as an emergency map amendment. The Prairie Meadows Subdivision was approved by the MAPC in 2006 as a preliminary plat and later as a final plat. The final plat was filed reflecting changes requested by the MAPC, such as an open space park, and also the stormwater detention design that overlapped into the AG-1 District (area encompassed by this request).

This overlook was not noticed until recently. MAPC and staff is requesting that Council consider this case so that the Zoning Map can be corrected. The owner has not requested any land use or lot changes from what was approved under the final subdivision submission.

The minimum standards for RS-6 are as follows: Min. lot width= 65'; min. lot area= 7,260 s.f.; min. front yard setback=20 ft.; min. rear yard setback= 20ft.; min. side setback= 15' combined- 10 ft. on one side. Staff asks that the MAPC waives those requirements and stipulate that the rezoning be subject to the approved site/bulk requirements as approved and recorded on the final plat dated December 1, 2008. The submitted rezoning plat is consistent.

Conclusion

The MAPC and Planning Staff has reviewed the request and recommends approval to the Council with the stipulation that all lots shall comply with the final subdivision plat as recorded- a rezoning of the subject property from AG-1 to RS-6 Single Family, L.U. O.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View Looking West toward site



View Looking south



View Looking South



View Looking South towards detention pond



View looking north