

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