



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda - Final City Council

Tuesday, October 6, 2009

6:30 PM

Huntington Building

PUBLIC WORKS - 5:30 P.M.- Huntington Building, 900 W. Monroe.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

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-09:100 Minutes for the City Council meeting on September 15, 2009.

Attachments: [Minutes](#)

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-09:076 AN ORDINANCE TO AMEND ORDINANCE NO. 954, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Attachments: [K_CADProjectsKathleen\(Coleman\)REZONING_NORTH_KATHLEEN Model \(1\)](#)
[Opposition](#)
[Staff_Summary_Caldwell-Coleman_RZ09_16_Council \(2\)](#)

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-09:065 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIE FOR DAVID ABERNATHY

Attachments: [Staff Summary RZ09-17 David Abernathy Rezoning Council Plat - David Abernathy](#)

Legislative History

9/15/09 City Council Waive Second Reading

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

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

11. ADJOURNMENT



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-09:100 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 9/29/2009 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on September 15, 2009.
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

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

title
Minutes for the City Council meeting on September 15, 2009.



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes 2 City Council

Tuesday, September 15, 2009

6:30 PM

Huntington Building

PUBLIC SAFETY - 5:15 P.M.- Huntington Building - 900 W. Monroe

PUBLIC WORKS - 5:45 P.M. Special Called Meeting - Huntington Building

FINANCE - 6:00 - Special Called Meeting - Huntington Building

PUBLIC HEARING - 6:15 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK, DONNA JACKSON

4. SPECIAL PRESENTATIONS

Proclamation to bring awareness to cognitive diseases.

This item was Read.

Proclamation to Mr. Wallace Fowler and Mr. Kelly Pope for their leadership efforts in the City of Jonesboro's Beautification Program.

This item was Read.

Proclamation in recognition of Hope Week.

This item was Read.

Proclamation declaring October 8, 2009 as Walkability Day in Jonesboro.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Mikel Fears, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

Minutes for the City Council meeting on August 31, 2009.

This item was PASSED on the consent agenda.

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 1718 BUFFORD STREET, JONESBORO, ARKANSAS FOR THE PURPOSE OF CREATING A DETENTION POND

This item was PASSED on the consent agenda.

Enactment No: R-EN-093-2009

A RESOLUTION REQUESTING FREE UTILITIES AT 3730 MOORE ROAD FOR THE PURPOSE OF PROVIDING LIGHTING FOR THE WELCOME TO JONESBORO SIGN.

This item was PASSED on the consent agenda.

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH ZERAUS COMMUNICATION (SPRINT) FOR JONESBORO'S WIRELESS COMMUNICATION NEEDS

This item was PASSED on the consent agenda.

Enactment No: R-EN-095-2009

6. NEW BUSINESS

ORDINANCES ON FIRST READING

AN ORDINANCE ABANDONING AND VACATING A RIGHT-OF-WAY AT 212 E. WORD AVENUE KNOWN AS LIBERTY STREET ALLEYWAY, A PORTION OF LIBERTY STREET, LYING NORTH OF WORD STREET

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

Enactment No: O-EN-045-2009

AN ORDINANCE TO AMEND THE 2009 BUDGET TO APPROPRIATE FUNDS FOR THE SURVEY OF THE PIPE INVENTORY THROUGHOUT THE CITY OF JONESBORO

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

Enactment No: O-EN-046-2009

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIE FOR DAVID ABERNATHY

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

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING DISTRICT BOUNDARIES LOCATED AT 2506 AND 2510 E. JOHNSON AVENUE FROM C-4 AND R-1 TO C-3 FOR PROPERTY LOCATED AT 2506 & 2510 EAST JOHNSON AVENUE AS REQUESTED BY JAMES CARR AND WILLIS AND CAROLINE GRAY

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

Enactment No: O-EN-047-2009

8. MAYOR'S REPORTS

Revenue Enhancement proposed 2010 fee schedule as presented to the City Council by Mayor Harold Perrin at the meeting on September 15, 2009.

This item was Read.

9. CITY COUNCIL REPORTS

WALK ON AGENDA ITEMS

AN ORDINANCE TO AMEND THE 2009 BUDGET TO APPROPRIATE FUNDS FOR THE 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE FEDERAL GRANTS FUND AND TO DECLARE AN EMERGENCY

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.

Enactment No: O-EN-048-2009

AN ORDINANCE TO AMEND THE 2009 ANNUAL BUDGET TO INCREASE THE POLICE BUDGET BY \$1,174,447 TO PAY FOR ESTIMATED BILLING FOR 2009 AND FIVE MONTHS OF DELAYED BILLS FROM 2008

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

Enactment No: O-EN-049-2009

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF AN INCINERATOR FROM WASTE REDUCTIONS TECHNOLOGIES, LLC

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

Enactment No: O-EN-050-2009

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH DESOTO COUNTY ELECTRIC, INC. FOR THE TRAFFIC DETECTION RESTORATION AT SIGNAL INSTALLATIONS

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

Enactment No: R-EN-096-2009

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF FIRE STATION PAGING SYSTEM FOR THE FIRE DEPARTMENT

A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Enactment No: O-EN-051-2009

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR 2009 SAFE ROUTES TO SCHOOL PROGRAM (SRTS) FOR THE CITY OF JONESBORO

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

Enactment No: R-EN-097-2009

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH PREWETT ENTERPRISES, INC. DBA B & P ENTERPRISES FOR THE RAIL MAINTENANCE AND ROAD CROSSING SIGNAL TESTING AND MAINTENANCE - JOB NO. 2009:38

A motion was made by Councilwoman Ann Williams, seconded by Councilman Chris Moore, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Enactment No: R-EN-098-2009

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH JAIL FEES BETWEEN THE CITY OF JONESBORO AND CRAIGHEAD COUNTY

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Enactment No: R-EN-099-2009

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY TO AND ACCEPTANCE OF REAL PROPERTY FROM JONESBORO CITY WATER AND LIGHT FOR THE PURPOSE OF PROVIDING A SITE FOR THE PARKS DEPARTMENT AND CEMETERY SEXTON

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Enactment No: R-EN-100-2009

10. PUBLIC COMMENT

11. ADJOURNMENT.

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

_____ Date: _____
Harold Perrin, Mayor

_____ Date: _____
Donna Jackson, City Clerk



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: ORD-09:076 **Version:** 1 **Name:**
Type: Ordinance **Status:** First Reading
File created: 10/1/2009 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND ORDINANCE NO. 954, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.
Sponsors:
Indexes:
Code sections:
Attachments: [K_CADProjectsKathleen\(Coleman\)REZONING_NORTH_KATHLEEN_Model\(1\)](#)
[Opposition](#)
[Staff_Summary_Caldwell-Coleman_RZ09_16_Council\(2\)](#)

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

title

AN ORDINANCE TO AMEND ORDINANCE NO. 954, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

body

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

SECTION 1: That Ordinance No. 954, known as the zoning ordinance of the City of Jonesboro, Arkansas, be amended as recommended by the Metropolitan Area Planning Commission by the changes in zoning classifications as follows:

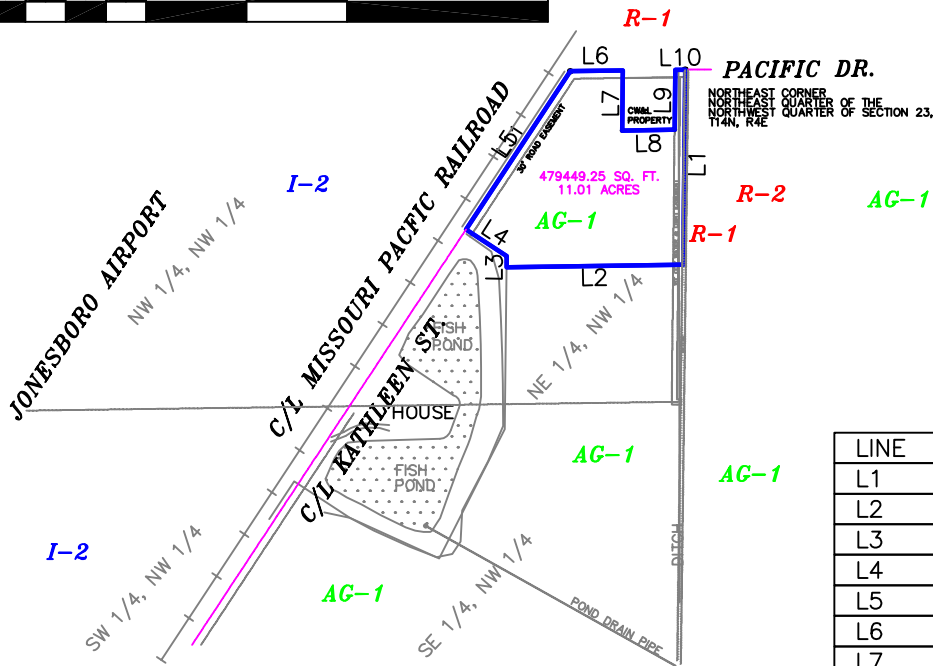
Rezone from AG-1 to RS-6 L.U.O. Single Family(4 Units per Acre) a part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 14 North, Range 4 East, Craighead County, Arkansas, and being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 23; thence South 00°35'43" West 776.63 feet along the East line of the Northeast Quarter of the Northwest Quarter of said Section 23; thence South 89°13'34" West 706.50 feet; thence North 00°35'43" East 43.60 feet; thence North 56°35'53" West 193.86 feet to the center line of Kathleen Street; thence North 33°24'07" East 754.15 feet along said center line to the North line of the Northeast Quarter of the Northwest Quarter of said Section 23; thence North 89°13'34" East 209.03 feet along said North line; thence South 00°35'43" West 238.72 feet; thence North 89°13'34" East 208.72 feet; thence North 00°35'43" East 238.72 feet to the North line of the Northeast Quarter of the Northwest Quarter of said Section 23; thence North 89°13'34" East 40.00 feet along said North line to the point of beginning proper, having an area of 479449.25 square feet, 11.01 acres more or less and being subject to all public and private roads and easements.

SECTION 2: It is found and declared by the City Council that the proper use of the tract(s) of land described above in this ordinance is being delayed because of improper zoning, and that, therefore, an emergency is hereby declared to exist and this ordinance, being necessary for the preservation of the public peace, health and safety, shall take effect and be in full force from and after its passage and approval.

PASSED AND ADOPTED this _____ day of _____, 2009.

0' 800' 1600' 2400'



BEARINGS ARE SPC GRID
AS PER CITY OF JONESBORO DATUM

LINE	BEARING	DISTANCE
L1	S 00°35'43" W	776.63'
L2	S 89°13'34" W	703.50'
L3	N 00°35'43" E	43.60'
L4	N 56°35'53" W	193.86'
L5	N 33°24'08" E	754.15'
L6	N 89°13'34" E	209.03'
L7	S 00°35'43" W	238.72'
L8	N 89°13'34" E	208.72'
L9	N 00°35'43" E	238.72'
L10	N 89°13'34" E	40.01'

DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 23; thence South 00°35'43" West 776.63 feet along the East line of the Northeast Quarter of the Northwest Quarter of said Section 23; thence South 89°13'34" West 706.50 feet; thence North 00°35'43" East 43.60 feet; thence North 56°35'53" West 193.86 feet to the center line of Kathleen Street; thence North 33°24'07" East 754.15 feet along said center line to the North line of the Northeast Quarter of the Northwest Quarter of said Section 23; thence North 89°13'34" East 209.03 feet along said North line; thence South 00°35'43" West 238.72 feet; thence North 89°13'34" East 208.72 feet; thence North 00°35'43" East 238.72 feet to the North line of the Northeast Quarter of the Northwest Quarter of said Section 23; thence North 89°13'34" East 40.00 feet along said North line to the point of beginning proper, having an area of 479449.25 square feet, 11.01 acres more or less and being subject to all public and private roads and easements.

AG-1 EXISTING
RS-6 REQUESTED
L.U.O. SINGLE FAMILY
4 UNITS/ACRE

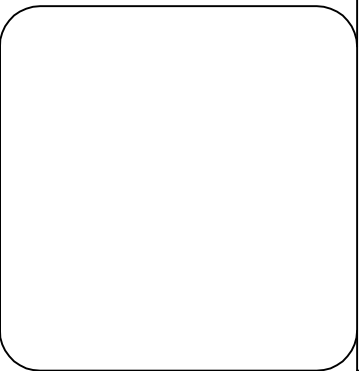
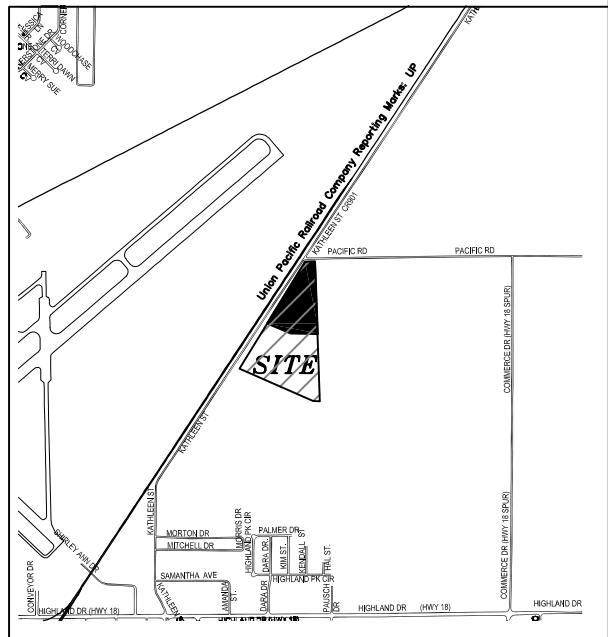
OWNER'S CERTIFICATION:

We hereby certify that we the owners of the property shown and described hereon and that we adopt the plan of subdivision and dedicated perpetual use of all streets and easements as noted and we further certify that we have read the acknowledge the following statement.

SURVEYOR'S CERTIFICATION:

This is to certify that I have on this date Surveyed the above described property in accordance with monuments found and this plat conforms to that surveyed.

H & S HIME PROFESSIONAL SURVEYING SERVICE
PMB # 283, 2704 SO. CULBERHOUSE "L"
JONESBORO, ARKANSAS



H & S HIME PROFESSIONAL SURVEYING SERVICES
PMB #283
2704 SO. CULBERHOUSE STE "L"
JONESBORO, ARKANSAS 72401

PHONE: 870 972 1288
FAX:
E-MAIL: hchime@cox-internet.com

REZONING PLAT

DRAWN BY:
HH

DATE:
8-15-2009

SCALE:
1"=800'

AG-1 EXISTING
RS-6 REQUESTED
L.U.O. SINGLE FAMILY
4 UNITS/ACRE

CLIENT:
TROY COLEMAN

Donna Jackson

From: Darryl&Karen Hubbard [dkhubbard@suddenlink.net]
Sent: Wednesday, September 09, 2009 6:21 PM
To: Donna Jackson
Cc: Wayne & Darlene Dunaway
Subject: Kathleen/Pacific Road rezoning

I own property on Pacific Road, as do my parents, Wayne and Darlene Dunaway. We are at 5703 and 5913 Pacific Road.

We wish to voice our objection to the R-4 zoning that the city planning commission has approved. There is not sufficient infrastructure in the area to support that many homes. During the recent ice storm, we were left without power for 12 days, total. In the recent thunderstorm that blew through on Sunday, Sept. 6, 2009, we were without power for over an hour. The infrastructure in this area is sadly lacking. It is unthinkable to me that the city council would allow this massive rezoning occur when they fail to even act on behalf of the residents already living in this area. Aside from that, there is already a tremendous traffic flow problem and the situation is dangerous in the Kathleen, Pacific and Easley lane area.

It has also come to our attention that there is consideration of making Commerce Drive a 5 lane road. There is no room to make Commerce Drive a 5 lane road. That would leave the majority of the homes on Commerce Drive sitting almost in the middle of that 5 lane road, on both sides. Aside from that, it would be the exact same situation on the other side of Hwy. 18, as those houses sit very close to the road, as well. It will be a very expensive endeavor for the city should they have to buy all those people out of their homes in order to run those roads there. That is a situation that begs to be re-examined, as there are multiple roads that would be far better suited to that, such as Rogers Chapel Road. There is plenty of room to widen that road to 5 lanes without uprooting families from their homes. It is a road that is also very easily accessible, and could be connected to the bypass without nearly as much trouble as there will be to widen Commerce Drive, uprooting multiple families and businesses, besides.

Thank you for your time and attention in this matter. Please forward my email to any appropriate parties or groups, or provide me with the appropriate contact information so that we may speak to them on our own.

Darryl & Karen Hubbard
Wayne & Darlene Dunaway
Residents of Pacific Road

City of Jonesboro City Council
Staff Report – RZ09-16: Coleman/Caldwell Rezoning
Huntington Building - 900 W. Monroe
For Consideration by the Council on September 15, 2009

REQUEST: To consider a rezoning a parcel of land containing 11.01 acres more or less (479449.20 sq. ft.).

PURPOSE: A request with recommendation to Council for a rezoning from Agriculture AG-1 to RS-6 Single Family Residential, L.U.O. at 4 units per acre.

APPLICANT: Carroll Caldwell, 2704 S. Culberhouse Rd., Jonesboro, AR.
OWNER: Troy Coleman, 107 Joe Martin’s Exprwy., Bono, AR 72416

LOCATION: Kathleen St. and Pacific Rd., Jonesboro, AR 72401

SITE DESCRIPTION: Tract Size: 11.01 acres +/- (479449.20 sq. ft.).
Frontage: Approx. 754.15’ along Kathleen St., 249.03’ along Pacific Rd.
Topography: Flat
Existing Dvlpmt: Farm land

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1,	Residential
South:	AG-1	Agriculture
East:	R-1	Residential
West:	I-2	Airport

HISTORY:
RZ 06-20: 28.76 acres from Ag-1 to R6 L.U.O. Multi-family; Approved by Council
RZ 06-27: 126.64 acres from AG-1 to R6 Multi-family- Case withdrawn prior to potential denial.
RZ 06-29: 38.77 acres from AG-1 to R6 L.U.O. - MAPC recommended to the City Council changing the zoning to R-2 LUO at 8 units per acre with the R-6 stipulations. Case denied by Council 2/6/07.

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

This area is surrounded by Agricultural land and single family residential lots. The proposed use will be comparable to the surrounding area.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as Planned Industrial. This designation typically includes new and existing industries in a clustered/industrial park setting. Industries of a light, medium and heavy intensity may be permitted subject to specific environmental requirements and non-industrial use proximity requirements. (This classification generally corresponds to the current I-2 General Manufacturing District).

This area is under restudy by the Land Use Advisory Committee, and updates are forthcoming for adoption

in the very near future. The site is situated on a two lane road, and is across from the airport. The current proposal illustrates Planned Mixed Use Area. Staff anticipates the recommendation for a mixed use area to be allowed contingent upon arterial upgrades in the project 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.

MAPC RECORD OF PROCEEDINGS- September 8, 2009:

RZ-09-17 RZ 09-16 Troy Coleman requests rezoning from AG-1 (Agricultural District) to RS-6 LUO (Single Family Residence)

Applicant:

Mr. Carroll Caldwell presented the case: This is a single family development. It is kind of misleading with the RS-7 you can only get 4 houses per acre with the streets; we are willing to drop it to a RS-6 Zoning.

Opponents:

Ms. Jennifer Easley, 5910 Pacific- She presented photos and a petition to the MAPC. The first picture is looking north, showing utilities on the right side of the road and the railroad tracks are there; and there is no way to expand that road. It cannot accommodate 50 or 70 houses. She showed a picture of the roadway on Pacific; stating that the asphalt is crumbling, with a privately maintained ditch that is grown up and full of weeds. The third page is the one quad-plex that was moved into our neighborhood. It was already zoned R-2. The unit is still unlivable. We are told it is in foreclosure.

Ms. Easley stated that they manage to let the 27 acres to the south, be rezoned as R-6 and get approved. He is asking \$970,000 for that land; he never mows it. We are afraid that all this gentleman will do is put this land up for sale. There is not sewer, it is a mile away. The traffic is an issue; walking is not safe. This gentleman doesn't live in our neighborhood. I have a house on 10 acres. Our family has 120 acres on Pacific Road. We have a long term investment there. He is there for monetary reasons/financial gain. There is no developer; we fought this two years ago. If he had a plan that we could look at, and discuss our concerns it would be better.

Mr. Lesley Warr, lives on Commerce and Pacific. We met with the mayor's office two years ago. It was non-negotiable. They said it wasn't feasible to do anything less than 7 houses per acres. We are concern with the traffic with the shift changes; and the traffic is lined up. Everyone is concern with traffic safety.

There is 11 acres on the north end, with 27 acres on the south. In between there is another 39 acres that can come back in for rezoning. We want to make sure you are aware of that.

Staff:

Mr. Spriggs gave staff comments. Previously this triangular site has been before the MAPC in 3 cases: R6 L.U.O. for 27 areas was approved for multi-family. The entire property being 127 acres has been proposed as different uses. Such as R-6 Multi-family. Council denied the last proposal and it went to litigation. This proposal is to entertain single family homes. The previous submittal was for 7- units per acre. They are resulting to 4-units per acres.

We are anticipating the Master Street Plan adoption and Kathleen St. has acted as a collector road and has functioned as such. There is an arterial proposed on Commerce Drive that will alleviate the problems now occurring on Kathleen Street.

We provided the standards for the RS-7 District; now the RS-6 regulations will be utilized.

Mr. Halsey asked in terms of the road widening as a collector road; has that been considered for this request?

Mr. Spriggs stated in the previous case it was discussed and the owner at that time agreed to participate in dedicating necessary right of way, if it were approved; to deal with the access issues and pedestrian concerns. We can discuss that with the current owner.

Mr. Kelton asked if the ditches were privately maintained as stated by the opposition. Mr. Spriggs stated that because they are not major drainage channels they are probably are not regularly maintained by the City. It is public right of way.

Mr. Spriggs stated that a limited use overlay would have to be in place in order to entertain any conditions. This is a request for 4 units per acres as a single family use. Rarely do you see this type of low density in most of our residential areas.

Mr. Day asked about the right of way dedication as agreed by the previous owner.

Mr. Caldwell stated he was not involved a year or two ago with that other deal. This is a different development. We will do the right of way on the site development and we will do the Limited Use Overlay.

Mr. Tomlinson stated that it is unclear where the railroad right of way ends. Mr. Caldwell stated that it is 15 or 20 feet on Kathleen and not that much less on Pacific.

Mr. Warr stated that the Land Use considered this a low density area. We never got a definition of it and because of proximity to the railroad. Mr. Day stated that they are proposing 4 –house/ per acres development. You are thinking of 3 acre lots, and perhaps you are thinking of an agricultural zoning. What he is looking at is more or less like Candlewood Subdivision and it is on the lower end of density.

Mr. Day: We are concerned for the traffic safety. The developer's representative suggested that they are happy to donate the right of way to improve the road. The Council will ultimately decide on the zoning change and they will have to decide on when to pay the money to improve the traffic situation.

Ms. Jennifer Easley asked if Mr. Coleman owned all of the 120 acreage. We would have to have Mr. Coleman give permission to have all of that right of way dedicated. That's not a very big stretch of land.

Mr. Spriggs clarified that the minimum right of way for Kathleen (being a collector road) is 80 feet and the proposed land use map (not adopted) has highlighted this site as PMUA, planned mixed use area which is a mixture of residential, commercial, and office. We will have one additional meeting to pull any Land Use modifications together, then the Land Use Plan will go into public hearings for adoption.

Mr. Halsey made a motion to rezone the property to RS-6 L.U.O. Single Family, 4 units per acre. The applicant has given verbal agreement (not required) to dedicate right of way to accommodate future improvements to Kathleen St.

Motion was 2nd by Mr. Kelton; Roll Call: Ms. Norris- Aye; Mr. Halsey- Aye; Mr. Tomlinson-- Aye; Mr. Dover- Aye; Mr. Kelton- Aye; Mr. Roberts- Aye.

Findings:

The subject area lies within a transitional area which is adjacent to an industrial core area, with a combination of Agricultural land, Single Family and "R-2" Low Density. The "RS-7" Single Family District requires 6,222 s.f. per dwelling unit, with a required 20 ft. front yard setback; a 20 ft. rear yard setback and a minimum 7.5 ft. side yard setback. This district is equivalent to what now surrounds this area- R-1 Single Family Residential.

Kathleen Rd. currently functions as a collector road, and the proposed Master Street Plan designates it as such. The minimum right of way width for a collector road is 80 ft. which could allow for much needed shoulder area, if not sidewalks for such a corridor. Under the existing road conditions, access management may become an issue if the future arterials such as Commerce Drive improvements are not implemented prior.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Carroll Caldwell, should be approved based on the above observations and criteria, of Case RZ09-16, a request to rezone property from AG-1 to RS-6, Single Family Residential District L.U.O., 4 units per acre, and recommended to the City Council.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View of the airport to the west of the site.



View looking Northeast towards site.



View looking Northeast towards the site.



View of the property to the east.



View looking west along Pacific Rd.



View looking east away from the site.



View looking south at the project site.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: ORD-09:065 **Version:** 1 **Name:**
Type: Ordinance **Status:** Third Reading
File created: 9/10/2009 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIE FOR DAVID ABERNATHY
Sponsors:
Indexes:
Code sections:
Attachments: [Staff Summary RZ09-17 David Abernathy Rezoning Council Plat - David Abernathy](#)

Date	Ver.	Action By	Action	Result
9/15/2009	1	City Council		

title
AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIE FOR DAVID ABERNATHY

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

SECTION I: TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM (R-1) SINGLE FAMILY MEDIUM DENSITY DISTRICT TO (C-3 LU-O) GENERAL COMMERCIAL DISTRICT - LIMITED USE OVERLAY, THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

LOT 39 OF KEY WEST SUBDIVISION, PHASE II, TO THE CITY OF JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C" PAGE 122, SUBJECT TO DECLARATION OF COVENANTS AND RESRTICTIONS RECORDED IN DEED RECORD 621, PAGE 948 AT JONESBORO, ARKANSAS, AND TO EASEMENTS AS SHOWN ON RECORDED PLAT.

CONTAINING 0.69 ACRES, MORE OR LESS, BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

SECTION II: THE REQUESTED REZONING CLASSIFICATION IS C-3 LIMITED USE OVERLAY (LU-O). THE LU-O IS FURTHER RESTRICTED AS FOLLOWS AND SHALL ADHERE TO THE FOLLOWING STIPULATIONS SET FORTH:

1. THE LIMITED USE SHALL EXCLUDE THE FOLLOWING:

- CARWASH
- CONVENIENCE STORE
- ADULT ENTERTAINMENT
- HOTEL/ MOTEL
- PAWN SHOP
- GAS STATION
- OFF PREMISE ADVERTISEMENT
- GENERAL AND LIMITED VEHICLE REPAIR

2. THE FACILITY (USE SPECIFIED) SHALL BE MANAGED AND OPERATED DURING HOURS LIMITED TO 8:00 a.m. TO 7:00 p.m. THE FACILITY SHALL BE LOCKED FROM PUBLIC USE BEYOND SAID HOURS.

3. THE FINAL SITE PLAN SHALL BE REVIEWED AND APPROVED BY THE MAPC PRIOR TO PERMIT ISSUANCE. SUCH SUBMITTAL SHALL INCLUDE ARCHITECTUAL AND ENGINEERING DRAWINGS.

4. A FINAL LANDSCAPING PLAN SHALL BE SUBMITTED FOR APPROVAL BY THE MAPC TO SOFTEN THE APPEARANCE FROM THE RESIDENTIAL ABUTTING AS WELL AS ILLUSTRATING ALL FENCING AND SCREENING.

5. PRIOR TO FINAL PERMIT APPROVAL, ALL PLANS AND CONSTRUCTION DOCUMENTS

SHALL SATISFY ALL CITY, STATE, AND LOCAL AGENCY APPROVALS REGARDING
INFRASTRUCTURE

SECTION III: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING
DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, INsofar AS IT RELATES
TO THE LANDS DESCRIBED HEREINABOVE SO THAT THE ZONING CLASSIFICATION OF SAID
LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.



City of Jonesboro City Council
Staff Report – RZ09-17: David Abernathy
Huntington Building - 900 W. Monroe
For Consideration by the Council on September 17, 2009

REQUEST: A recommendation from the MAPC to rezone property containing 0.69 acres more or less.

PURPOSE: To rezone a tract of land from R-1 to C-3 General Commercial.

**APPLICANT/
OWNER:** David Abernathy, P.O. Box 1368, Jonesboro, AR 72401

LOCATION: 1212 Paragould Dr./ East Side of Road Between Paragould Dr. and Hemingway Circle.

**SITE
DESCRIPTION:** Tract Size: 0.69 Acres (29,972 sq. ft.)
Frontage: Paragould Dr.: 144 +/- ft.
Topography: Gently sloping.
Existing Dvlpmt: Vacant with Drainage and sewer easements

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Peterson's Warehousing
South:	R-1	Single Family
East:	R-1	Single Family
West:	R-1	Single Family

HISTORY: None.

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as Village Residential. This area is currently being restudied by the Land Use Advisory Committee. The general area has been proposed as Single Family Residential.

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 Map/ Vicinity Map

MAPC Record of Proceedings Case RZ-9-17: David Abernathy- 1212 Paragould Dr.

Mr. Terry Bare presented the case on behalf of Mr. Abernathy who submitted the application. After reading the staff report we are now asking for C-3 Limited Use Overlay, providing that several uses not be allowed including the following;

- | | |
|---------------------------|-----------------------------------|
| Carwash | Convenience Store |
| Adult Entertainment | Hotel/Motel |
| Pawn Shop | Gas Station |
| Off-premise Advertisement | Vehicle Repair, General & Limited |

Mr. Bare stated that Mr. Abernathy owns the property to the north which is warehousing is zoned C-3 General Commercial Use (Peterson Warehouse). He wanted to match that zoning.

Opponents: None Present.

Mr. Spriggs gave a brief presentation. There are two construction companies in the area as a non-conforming use. We have stated in the staff report concerns of the C-3 allowing uses that may be incompatible. The applicant has heard those concerns and does agree with the Limited Use Overlay.

Staff listed four conditions:

1. That the facility (use specified) shall be managed and operated during hours limited to 8:00 a.m. to 7:00 p.m. The facility shall be locked from public use beyond said hours.
2. That the final site plan shall be reviewed and approved by the MAPC prior to permit issuance.
Such submittal shall include architectural and engineering drawings.
3. That a final landscaping plan shall be submitted for approval by the MAPC to soften the appearance from the residential abutting as well as illustrating all fencing and screening.
4. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.

Mr. Bare made an observation that if this property develops to the north of Hwy. 49, and this site were to become an office complex or a 24-hour clinic, that may be an issue. Mr. Day stated that if that change were to occur then that specific use can be considered later by the MAPC. We would hate to leave it open for a 24-hour retail.

Mr. Bare stated that the ditch is on the south side of this property makes it unsuited for single family use, they wanted to be able to utilize this portion of the property.

Motion was made by Mr. Tomlinson to approve the case, and that we recommend to City Council that it be zoned to C-3 L.U.O. with the uses not permitted being stated with the four staff conditions above proposed by the planner. Motion 2nd by Mr. Halsey. All ayes.

Staff Findings:

The subject site is located on Paragould Dr. just directly south of Shagbark Ln. and north of Ocean Dr. The area is predominately residential including two (2) non-conforming business uses- McDaniel Construction Co. and Kirksey's Builders. The applicant originally requested a C-3 Rezoning for the said property; this would have allowed any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

Staff presented major concerns of a rezoning to such an intense district, abutting residential without any constraints and the applicant reconsidered and agreed with a limited use overlay modification. This would better afford the Commission and Council an opportunity to consider any negative impacts on the surrounding residential community. Traffic, noise, hours of operation and intense of use should be a concern of the Commission and Council. Otherwise any of the permitted uses allowed within the C-3 General Commercial Zoning District could be developed as of right, if approved.

Conclusion

The MPAC and the Planning Staff has reviewed the request and feels that all issues regarding impacts on abutting residential uses should be considered by the City Council for a change from R-1 Single Family to C-3 General Commercial L.U.O. with the following stipulations:

1. That the facility (use specified) shall be managed and operated during hours limited to 8:00 a.m. to 7:00 p.m. The facility shall be locked from public use beyond said hours.
2. That the final site plan shall be reviewed and approved by the MAPC prior to permit issuance. Such submittal shall include architectural and engineering drawings.
3. That a final landscaping plan shall be submitted for approval by the MAPC to soften the appearance from the residential abutting as well as illustrating all fencing and screening.
4. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
5. The following uses shall be prohibited:

Carwash	Convenience Store
Adult Entertainment	Hotel/Motel
Pawn Shop	Gas Station
Off-premise Advertisement	Vehicle Repair, General & Limited

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking east at the site.



View looking east along ditch (south property line).



View Looking southwest from the site.



View looking north from site.



View looking south along Old Paragould Rd. towards site.



View of building abutting site (to the north).



View looking west from the rear of the site.



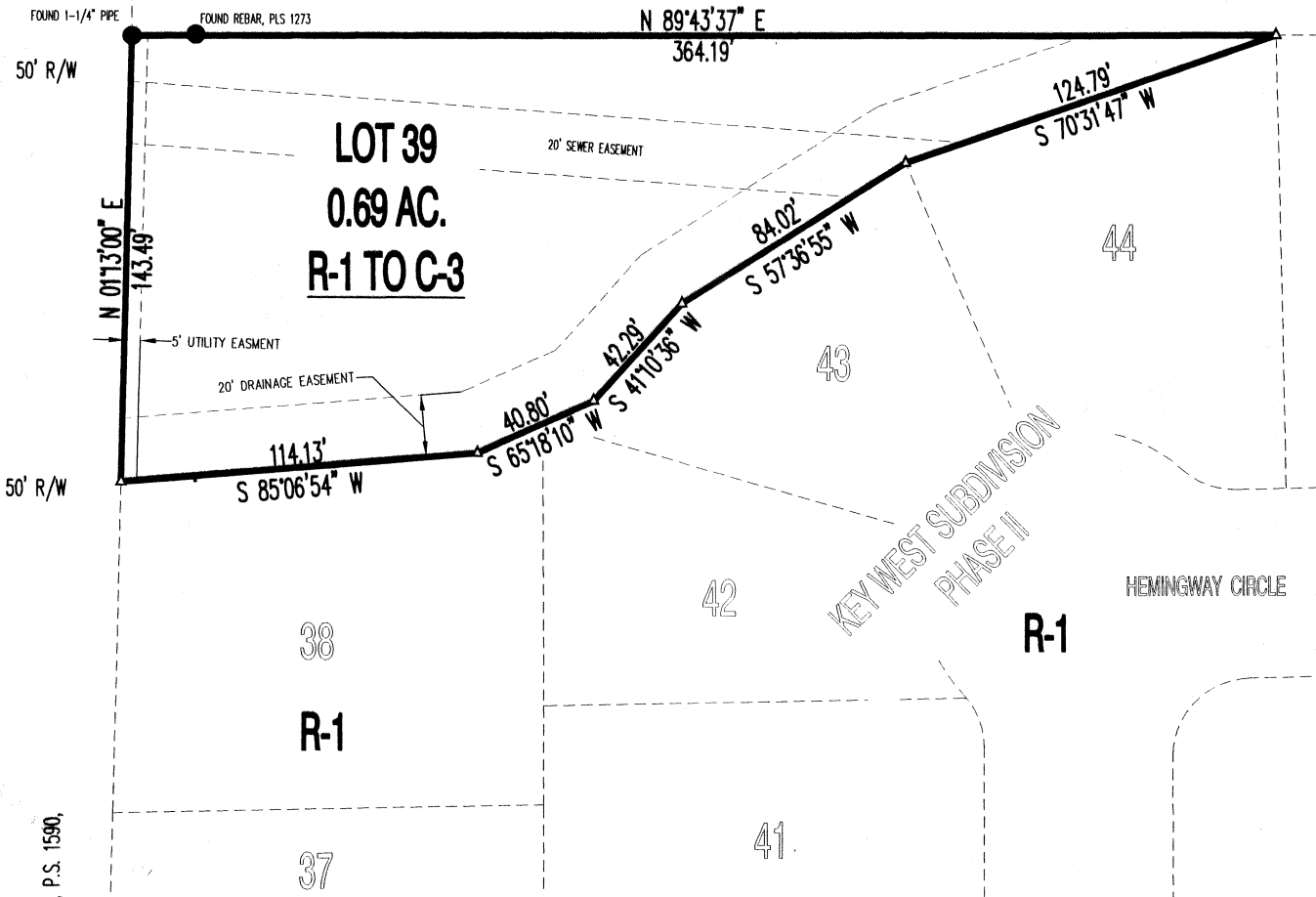
View looking Southeast towards site.

C-3

EXISTING COMMERCIAL DEVELOPMENT
(PETERSON'S WAREHOUSE)

C-3

OLD PARAGOULD HWY



BASIS OF BEARINGS: PLAT OF SURVEY BY DANNY BURNS, P.S. 1590,
DATED 07/16/09, (PROVIDED BY CLIENT).

USES TO BE EXCLUDED:

1. ADULT ENTERTAINMENT
2. CARWASH
3. CONVENIENCE STORE
4. GAS STATION
5. GENERAL AND LIMITED VEHICLE REPAIR
6. HOTEL/ MOTEL
7. OFF PREMISE ADVERTISEMENT
8. PAWN SHOP

CERTIFICATE OF SURVEY:

THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE AND ASSOCIATES INC., PROFESSIONAL LAND SURVEYORS HAVE SURVEYED THE FOLLOWING PARCEL OF LAND:

LOT 39 OF KEY WEST SUBDIVISION, PHASE II, TO THE CITY OF JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C" PAGE 122, SUBJECT TO DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN DEED RECORD 621 PAGE 948 AT JONESBORO, ARKANSAS, AND TO EASEMENTS AS SHOWN ON RECORDED PLAT.

CONTAINING 0.69 ACRES, MORE OR LESS; BEING SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

OWNERS CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND I HEREBY REQUEST A REZONING FROM:

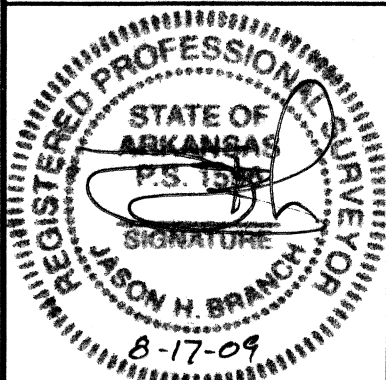
(R-1) SINGLE-FAMILY HIGH DENSITY DISTRICT TO (C-3) GENERAL COMMERCIAL DISTRICT.

SIGNED THIS 17TH DAY OF AUGUST, 2009

David Abernathy
DAVID ABERNATHY



COPYRIGHT 2009, ALL RIGHTS RESERVED



CLIENT
DAVID ABERNATHY

REZONING PLAT

LOT 39, KEY WEST SUBDIVISION, PHASE II
JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.
CIVIL ENGINEERING - SURVEYING - PLANNING

1801 LATOURETTE DRIVE
JONESBORO, ARKANSAS 72404

TEL 870-932-2019

FAX 870-932-1076

REVISIONS

DATE	BY	DESCRIPTION

SURVEY INDEX CODE

500-14N-04E-0-11-340-16-1596

PROJECT NO.

A001-0003-12

DRAWN BY

JB

CHECKED BY

SHEET

1 OF 1

SCALE

1"=60'

DATE

08/17/09

DRAWING NO.

B-180