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APPEAL TO THE JONESBORO CITY COUNCIL

REQUEST FOR HEARING ON APPEAL FROM ACTION OF THE
METROPOLITAN AREA PLANNING COMMISSION

Come now James Mashburn and Helen Masburn, his wife,
and for their appeal from the decision of the MAPC,
states:

A.   Appellants are residents of Jonesboro, Arkansas,
and are the record title owners of property in Jonesboro,
Craighead County, Arkansas, described as follows:

> Part of the North Half of the Southeast Quarter
> of Section 23, Township 14 North, Range 3 East,
> more particularly described as follows: Begin
> at the Quarter Corner of Section 23 and 24,
> Township 14 North, Range 3 East; thence West on
> Quarter Section line 1089.8 feet to the point of
> beginning proper; thence South 208.7 feet;
> thence West 147.3 feet; thence North 208.7 feet
> to Quarter Section line; thence East on Quarter
> Section line 147.3 feet to the point of
> beginning proper.

B.   Said property is located in a residential area
and is currently zoned Residential (R-1).   Subject
property was located in the county boundaries prior to
the mass annexation of property into the city when it
was arbitrararily zoned by the city as R-1.   Appellants
state that they have owned the property for many years
and had held the property for development in the future
as multi-family residences.   Appellants further state
that this property is approximately one acre in size,

facing on West Nettleton Avenue and is literally an R-1 island in the center of R-2 and less restrictive property. The property on either side of appellants' property is zoned Residential (R-2), the property to the South of appellants' property is zoned R-2 and the property to the North and across Nettleton Avenue is zoned C-4 and R-3.

C. At the regular called meeting of the Metropolitan Area Planning Commission on May 9, 1995, the Commission denied the requested rezoning, notwithstanding the fact that the proeprty is clearly an island located in the center of Residential (R-2) property and the action of the commission was arbitrary, capricious and without legal status.

D. Appellants further state that the manner in which the Commission considered the application of appellants is inequitable and unfairly prejudicial to appellants. There were only five Commission members present at the meeting. The Chairman did not vote. The appellants obtained two "yea" votes, one "nay" vote and one abstained. It would have taken all five Commission members voting for appellants' request to gain approval. Under the manner in which this matter was handled and other matters are handled before this Commission, one person on the Commission can block any action that comes before the Commission. This is not to the best interest

of the citizens of Jonesboro, your appellants or any other person or entity presenting matters to the Commission. The manner in which the Commission approves and denies these requests is stacked against the appellants and in effect, permits one member to control the decision of the Commission. Appellants state that they have adequate grounds for appeal and that the action of the MAPC in denying this rezoning request is without basis in law or fact and said action is arbitrary and capricious and that the Jonesboro City Council should hear the appeal and override the action of the MAPC and enact an ordinance rezoning the subject proerty to Residential (R-2) zoning classification.

E.   Appellants request that the Jonesboro City Council at its next regular meeting set a date for a hearing of Appellants' appeal as set forth in the appropriate ordinances of the City of Jonesboro.

WHEREFORE, Appellants pray the City Council at its next regular meeting set a date for an appeal within the time frame as set forth under the Ordiances of the City of Jonesboro or call a special meeting for hearing appellants' appeal and notifying all interested parties as required by City Ordinance.

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By _____
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