

James B. Malone

April 5<sup>th</sup> 2011 meeting

City Council members

March 31, 2011

**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 the 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.
  - a. Based on the Comprehensive plan our area is residential
  - b. A city park was shown for the proposed fairgrounds site.
  - c. Please don't insult me and call the fairgrounds a city park. If you want to build a North Craighead Forest, be my guest. I would even help with that project.
- b. Consistency of the proposal with the purpose of the zoning ordinance.
  - a. I believe 4 of you gentlemen were there April 15<sup>th</sup>, 1996 when this was argued before the council then. It still is not appropriate.
- c. Compatibility of the proposal with the zoning, uses and character of the surrounding area;
  - a. North- Single family residential
    - i. One home directly against the north boundary of the proposed area.

- ii. Two houses along Hwy 49 to the northeast
  - iii. Greg Nall's house in the trees to the North
  - iv. 5 houses on CR 702 that are visible on accompanying map
- b. East- Vacant/commercial/residential
  - i. Bush Agriculture; which is not happy about the proposed site, but have not hired an attorney as of now.
  - ii. 31 homes to the east
- c. South- Oak subdivision single family residential.
  - i. 35 homes; 2 empty lots that are owned by 2 homeowners
  - ii. 7 of these homes share a property line with the proposed fairgrounds site.
    - 1. 6 homes are 120 feet from property line
    - 2. 1 is 25 feet from the property line
- d. West- Residential/vacant
  - i. Attached are the plats for 248 houses directly west of the proposed fairgrounds site.
  - ii. As well as 45 more houses north of those
  - iii. Let's not forget 250 +/- in Windsor landing
- d. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map adjustment;
  - a. The proximity to existing homes alone show that this site is not suited for the proposed use.
    - i. No one disagrees with the Eastern third of tract 1, shown with the blue outline on the attached survey document, being zoned C-3 and thus a commercial property similar to what is already along highway 49.

- ii. The Western two thirds of tract 1, shown in red on the attached survey document is what our disagreement is over. This portion is not suited for C-3 or the proposed use.
- 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;
  - a. Based on the opinions of three brokers from three different real estate firms have stated that the relocation to this site would without a doubt cause a substantial decrease to over 400 homes in the area. See attached documents.
  - b. There is a 5000 amphitheater planned. The same size as Mud Island Amphitheater in Memphis.
    - i. "Burriss said the board plans to construct buildings to accommodate many more activities year round including special events, concerts, school activities, community activities and private functions. Kitchen services are also being considered for some areas at the new site, the fair official said." (Hodges)
    - ii. See the attached scale pictures of each.
    - iii. Even if your favorite bands were playing there, who in their right mind would want to live next to an amphitheater?
      - 1. It is 340 feet from the closest house.
      - 2. Maybe the band will play quietly and the 4000+ people won't yell and scream.
    - iv. Traffic concerns with concerts.
      - 1. Everyone leaves these events at one time.

2. We have all been to these type events, some of us have dealt with the traffic involved. I can tell you from past experience that they will use every available exit.
- f. Length of time the subject property has remained vacant as zoned at the time of purchase by the applicant; and
    - a. The attached Google Earth map shows that they cut hay off this property last summer.
    - b. I have audio of Mr. Vance admitting that the Fair Association has already bought the land.
      - i. In my way of thinking that fact alone voids this whole legal matter since that Gilbert, McCall, and Hudson applied for annexation not the Fair Association.
  - 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 services.
    - a. CR 705 is a single in/out neighborhood. The fact that increased traffic and the traffic jam that we all know will happen alone will interfere with emergency service access to CR 705.
    - b. The Fair Association is offering to pay part of the cost to hook up our homes to sanitary sewer. This is a positive for the 6-8 homes that would benefit from sewer access.
    - c. We already get city water.
    - d. CWL electric would be notably cheaper
    - e. However any bonus in utilities is erased by the devaluing of our property.
      - i. Even if the Fair Association paid 100% of annexation, and sewer to each and every house in Oak subdivision.

- ii. Based on what Mr. Lyons and the realtors I have spoken with so far, we get approximately \$3000 credit to dampen the 10-20% lose in property value. Based on the 2010 tax assessment on our house, we stand to lose \$11,800- 23,600.00 and get \$3000 dollars in return. I am not a CPA; attorney; or financial genius, but I can see that is not equal.

### **Bibliography**

Hodges, Curt. Jonesboro Sun. 18 January 2011. 31 March 2011  
<[http://www.jonesborosun.com/archived\\_story.php?ID=45883](http://www.jonesborosun.com/archived_story.php?ID=45883)>.

## MAPC Public Hearing- Record of Proceedings For March 8, 2011:

**Applicant: Mr. Ralph Waddell, Atty.:** representing the owners/petitioners and the Craighead County Fair Association: We are seeking to have approximately 80 acres located off of Hwy. 49 N. annexed into the City of Jonesboro and rezoning of Tract 1- 78 acres zoned to C-3 General Commercial and a 2-acre Tract 2 to RS-5 Single Family Residential. In advance we provided you with a packet of information on the Fair Association itself, the preliminary building plans and concerns raised by the neighboring land owners and how we've attempted to address those concerns.

**Mr. Ralph Waddell, Atty.:** The property is under contract with the Craighead County Fair Association. And the Fairgrounds wishes to develop a state of the art exposition conference center that can be used to not only host the fair but also a wide variety of community activities. The Fair is a not-for-profit corporation composed of representatives from the Jonesboro Jaycees and also Craighead County Farm Bureau. The primary function is to manage and maintain and operate the fairground site. Jonesboro has been officially designated by our Governor as the site of the NEA district fair that is a seasonal activity held each September and it lasts about 6 days. The rest of the year, the fairgrounds are used for a number of events including Duck's Unlimited, St. Jude's Super Bowl Extravaganza, Pancake Days, and it is used for rentals by Cooperate Groups for trade shows, vendor shows and cooperate outings. It is used by Civic clubs, 4-H clubs, and Girl Scout activities. I know you are familiar with the current location on Stadium Blvd., the current site is no long adequate to serve the needs that we need to host; the buildings are old and obsolete and undersized we have limited parking and the area is land-locked with no opportunity to expand; it is located on of the most prime commercial districts in Jonesboro. Just about everyone agrees the fairgrounds should be relocated from that area; the question is where. For the last 10 years, the Fair Board created a long range planning committee to develop plans for a new facility and to accommodate the changing needs of the fair; and to seek and evaluate potential sites. It developed site criteria for the new location. In using that site criteria for the last 4 years we have searched and evaluated 10 sites before deciding on this one. **1** meets all the criteria in terms of access, topography, soil types, secondary access, etc. In the opinion of the Fair Board it is the best location for this conference and exposition center.

**Mr. Ralph Waddell, **2**Atty.:** As noted by the by the city planner in the report, the site can be developed within the county today as a matter of right. But the Fair is seeking annexation into the City of Jonesboro primarily for services including utilities. By seeking annexation, the Fair is willing to subject itself to City codes, City Building Codes, and the other things that govern building construction and land use. We are seeking zoning and annexation and not permission to build. This project is a 10- year /\$12 million dollar project. With two distinct areas of use: season use area (Fair, livestock shows), and a 12 month use area (Buildings for Community charitable and commercial events). The seasonal use areas are placed on the site to minimize the impact to the neighborhood. It will be constructed to blend in with the existing topography. Of the 78 acres only 10 % of the area is buildings; so there is plenty of green and open space. The fair desires to be a good neighbor. **3** here have been 3 separate community meetings, where the Fair listened to the concerns and responded to concerns and made certain commitments. We outlined those in your packet, including strategically locating the buildings to create buffer zones with fast growing trees, landscaping etc. to eliminate noise. Constructing a masonry fence on the southern boundary between those houses directly affected and limiting some of the access on Clinton School Rd. **4** we have committed to assist the neighbors living in the Oak Subdivision to the south, to be annexed into the City of Jonesboro in paying surveying and legal costs to annex them. This will give them available city sewer, lower water/utilities costs, garbage collection, etc.

# Summary of Comments on Council Agenda

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Page: 1

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Sequence number: 1

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:15:42 PM

**T** Based on the advise of State Representative Homer Lenderman, we have located land that is currently available on Highway 18 East/East Highland within the current city limits; shown as mixed use and heavy industrial on the planned use map; mostly flat topography; depending on the property chosen less than 1/2 mile from current CWL sewer system; 4- lane highway frontage; also depending on which site someone chooses, within 1/2 mile of the proposed North Bypass, and the locations South of Highland would literally have 4 lane highway within a mile on three sides; based on 07-08 traffic study by the Arkansas Highway Department 57% of the traffic passes these locations than does the proposed site on Highway 49 North; and last, but not least, not being a developer I can show that it would be less expensive, and compliant with your land use plan, to build on one of these sites than the current proposed fairgrounds site.

I would be happy to provide anyone of you with the numbers and site all of our sources which includes quotes from Engineers at CWL, Traffic studies from the Arkansas Highway Department, quotes from a reputable Foreman in the commercial construction business, quotes from local plumbers, and quotes from local developers upon request.

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Sequence number: 2

Author: Malone

Subject: Highlight

Date: 3/14/2011 8:05:33 PM

**T** The NEA District Fair averaged 10,000 people a day in 2010. Also the Fair Association has said that their cattle and swine buildings will have floor drains in which to carry away runoff from cleaning animals. We all know what is going to be washed away. Also this is type of material that is required to go into the sanitary sewer system or a septic system. Based on only the waste produced by people visiting the fair in one day. It is either not possible or an extremely poor choice to put this type of complex on a rural septic system. Also realize that this proposed property is uphill and directly adjoining a residential neighborhood.

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Sequence number: 3

Author: Malone

Subject: Highlight

Date: 3/14/2011 8:02:38 PM

**T** It is taking a bit of time to get transcribed, but we have the audio from these meetings. Just a lot of diverting our questions mostly.

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Sequence number: 4

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:55:36 PM

**T** Yes, they have agreed to assist us in getting annexed into the city. I spoke with Mr. Spriggs about the appropriate documents required for the annexation process. And based on that information we already had everything needed for Mr. Lyons to write up the petition for annexation.

It appears as of right now that the amount that we as homeowners in Oak subdivision is unknown. No one has had a fair grounds built next to a residential neighborhood recently. So if these gentlemen succeed in being the first, then the next time this is done the homeowners will have a basis to judge their loss.

What is certain is that we do stand to lose property value. The Fair Association has been kind enough to allow for us to pay, based on the numbers that Mr. Vance reported at the MAPC meeting, \$40.00 a month which with the savings in an electric bill "balanced out".

Even if I look at this conservatively.

Assuming these same homeowners live another 15 years in their homes. The Fair Association is offering to allow us to pay \$40 a month for 15 years, which we would pay to Craighead Electric anyway, to save about 200 dollars a homeowner in legal fees and get the same services that every taxpayer in the city receives already.

As a bonus we get get concerts from April to October, Monster trucks, tractor pulls, and 6 days a year we get to have the carnival workers camped out next door.

Does not sound like such a great deal to me.

Comments from page 1 continued on next page

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**Mr. Ralph Waddell, Atty.:** The property is under contract with the Craighead County Fair Association. And the Fairgrounds wishes to develop a state of the art exposition conference center that can be used to not only host the fair but also a wide variety of community activities. The Fair is a not-for-profit corporation composed of representatives from the Jonesboro Jaycees and also Craighead County Farm Bureau. The primary function is to manage and maintain and operate the fairground site. Jonesboro has been officially designated by our Governor as the site of the NEA district fair that is a seasonal activity held each September and it lasts about 6 days. The rest of the year, the fairgrounds are used for a number of events including Duck's Unlimited, St. Jude's Super Bowl Extravaganza, Pancake Days, and it is used for rentals by Cooperate Groups for trade shows, vendor shows and cooperate outings. It is used by Civic clubs, 4-H clubs, and Girl Scout activities. I know you are familiar with the current location on Stadium Blvd., the current site is no long adequate to serve the needs that we need to host; the buildings are old and obsolete and undersized we have limited parking and the area is land-locked with no opportunity to expand; it is located on of the most prime commercial districts in Jonesboro. Just about everyone agrees the fairgrounds should be relocated from that area; the question is where. For the last 10 years, the Fair Board created a long range planning committee to develop plans for a new facility and to accommodate the changing needs of the fair; and to seek and evaluate potential sites. It developed site criteria for the new location. In using that site criteria for the last 4 years we have searched and evaluated 10 sites before deciding on this one. It meets all the criteria in terms of access, topography, soil types, secondary access, etc. In the opinion of the Fair Board it is the best location for this conference and exposition center.

**Mr. Ralph Waddell, Atty.:** As noted by the by the city planner in the report, the site can be developed within the county today as a matter of right. But the Fair is seeking annexation into the City of Jonesboro primarily for services including utilities. By seeking annexation, the Fair is willing to subject itself to City codes, City Building Codes, and the other things that govern building construction and land use. We are seeking zoning and annexation and not permission to build. This project is a 10- year /\$12 million dollar project. With two distinct areas of use: season use area (Fair, livestock shows), and a 12 month use area (Buildings for Community charitable and commercial events). The seasonal use areas are placed on the site to minimize the impact to the neighborhood. It will be constructed to blend in with the existing topography. Of the 78 acres only 10 % of the area is buildings; so there is plenty of green and open space. The fair desires to be a good neighbor. There have been 3 separate community meetings, where the Fair listened to the concerns and responded to concerns and made certain commitments. We outlined those in your packet, including strategically locating the buildings to create buffer zones with fast growing trees, landscaping etc. to eliminate noise. Constructing a masonry fence on the southern boundary between those houses directly affected and limiting some of the access on Clinton School Rd. We have committed to assist the neighbors living in the Oak Subdivision to the south, to be annexed into the City of Jonesboro in paying surveying and legal costs to annex them. This will give them available city sewer, lower water/utilities costs, garbage collection, etc.



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**Mr. Ralph Waddell, Atty.:** Regarding the Land Use Plan: the proposed site is not in the City limits. It is not zoned; [1]e are requesting C-3 zoning to accommodate the activities. We think the C-3 is compatible with the Land Use Plan; proceeding away from Hilltop, and proceeding east, there is already commercial in that area. There is lot of property for sale for Commercial use in addition to the 76 acre NEA Baptist Memorial Hospital site with certain business along that same area. Commercial development will eventually connect Jonesboro to Paragould not residential development. The annual fair plays a small part of what the grounds will be used for. The fair is committed to developing this site, and want to be good neighbors and annex into the City. We are asking the MAPC to adopt the recommendations of the Planning Staff for annexation and rezoning.

### **Opposition:**

**Jim Lyons, Atty.:** On behalf of the opponents, presented handouts. There are a number of residents in opposition. All person in opposition stood: *Approximately 50 persons were present.* [2]r. Lyons stated that the use is not consistent with the Land Use Plan, which is about 14 to 15 months old. (Jan. 5, 2010 adopted) We need to be consistent with the Land Use Plan; it should be rejected. **Mr. Lyons** disagreed with application, Item No. 9- on Adverse Affect. It says it should not adversely affect any of these. Everybody understands that anyone living next to the fairgrounds would not agree. If you look in the booklets you see the photos of the back of people's property. It will not just be the fairgrounds in September, but 4<sup>th</sup> of July activities and others. Not just the one-week activities, but the future use is a concern. **Mr. Lyons** noted that he does a lot of condemnations in high traffic areas that are great for commercial uses; but horrible for residential properties. High traffic is important to commercial development. Application, Item No. 1, Impact on utilities, streets, drainage, fire, and medical services was questioned. It will have a number of effects. It may provide utilities, but it will do nothing for the streets, but provide problems for drainage. A walking track is the only thing on the plan.

**Mr. Lyons:** This area is intended for single family residential and it is not important what may occur in 2030. More importantly, [3]e last item in the folder: this doesn't comply with the Jonesboro Code of Ordinances, Article 7, Chapter 117- Parking, Section B.: Parking and Loading schedule. Off-street parking shall be provided with the schedule, with minimal surfacing (See # 5)- *all required parking and driveways shall be paved with asphalt concrete or brick...* They are asking you to disregard the ordinance, and to disregard the requirements with the grass parking, with the porous flexible paving system. Comments were made on curbing, drainage and run-off also. **Mr. Lyons** commented on the parking calculations where they calculated needing 2600 cars. He calculated a little higher than that (2,655 cars). **Mr. Lyons** calculated the landscape formula also at 780 shrubs in this area.

**Mr. Lyons** also referred to Page 9 and 10 of 12- [4]esidential Compatibility Standards. High density and non-residential areas is an issue. They are in violation of the Jonesboro Code. Page 11 of 12 Site Design Standards: exterior lighting shall be minimized. Fairgrounds will not minimize lighting, as they wish to build an outdoor arena for concerts, with sound similar as Mud-island; proposing to serve 4,000 to 5,000 people, with concerts similar to ASU. For the night of the concert they will have large number of people going in and cleaning up there, but not cleaning the resident's properties. We believe it should be denied.

[6]r. Ralph Waddell, [5]tty.: We received a petition of signatures from 39 people that are in support of the annexation from the Oak Subdivision. **Mr. Waddell** gave comments on the land use plan which was a default position on lands out in the County. He read the staff report

## Page: 2

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Sequence number: 1

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:25:22 PM

**T** "The question has been raised by council on whether or not the fair can even locate in C-3 zoning." -City Council Minutes public hearing 4-15-96

"The Attorney General's opinion stated you could not have fairgrounds with so much commercial activity in R-1. Traffic, dust, lights, noise, insects, currently would be increased with fairgrounds on it" -City Council Minutes public hearing 4-15-96

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Sequence number: 2

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:13:34 PM

**T**

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Sequence number: 3

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:13:34 PM

**T**

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Sequence number: 4

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:13:34 PM

**T**

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Sequence number: 5

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:13:34 PM

**T**

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Sequence number: 6

Author: Malone

Subject: Highlight

Date: 3/14/2011 8:08:01 PM

**T** "If a majority of the neighbors desire to proceed with annexation, there will be a separate petition prepared which must satisfy all of the requirements of Arkansas law, including description of the property to be annexed and a map of the property to be annexed. That petition will have to be signed by each person desiring to join in the annexation. This will be a separate petition from whatever Mr. Talley has prepared."- Ralph Waddell Feb 23, 2011

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comments on the Land Use. The 1995 plan was referred to, where it recommended a regional commercial center north of this site, as well as provided for a park area on this site.

**Mr. Waddell** stated that they have engaged Ernie Peters, Peters Associates, to work out traffic issues. We have consulted with AHDT. We have been in discussion with Jonesboro fire and police who do not oppose. Paving, Curbing, and Landscaping will be dealt with during the site plan process.

**Mr. Spriggs** summarized the Staff Report. He gave comments on the Land Use Plan. The 1995 plan does refer to a regional commercial use north of this site. We would construe the fairground use as “outdoor/indoor recreational uses”, which are allowed as of right in C-3 Commercial, but as a conditional use in AG-1 Districts as well as in RS-1 & RS- 2 Single Family Districts (large lot districts). That option is available for such uses. We noted in the staff report, the Master Street Plan recommendations. CR 701/Clinton School Road is in need of improvements. Access management would require such improvements. We will be taking in ½ right of ways on CR701 and right of way dedication will be necessary. Fire and Police reports were provided and no issues of concern were raised. Buffering was a concern by staff and the applicant has noted compliance will be made. This, if approved will come back to the MAPC as a site plan review.

**Mr. Spriggs** added that the flex paving system parking is a new concept. The city engineering department would prefer the system from a storm water management perspective. They will be required to meet all City Stormwater regulations as required during permitting.

**Mr. Joe Tomlinson** asked about the Master Street Plan for Clinton School Road, which is a collector road which requires 80 ft. of right of way/ 60 ft. minimum required.

**Harry Cliff**, 287 CR705: Stated that he represents 41 homeowners; 24 separate lots. We have no objections to the Fair Association and they want to be our good neighbor.

**Mr. Scurlock:** Noted that it seems like we have 2 issues. If the fairground is annexed or if they are not; we have less control. **Mr. Spriggs** clarified that if it were developed in the County, there will be no City required design standards applied. Details on CR701 were asked.

**Mr. Kelton** referred to a new law, **Act 116** that the fairground be held in Craighead County. It will be the permanent home.

**Mr. Lyons.** The law is now in Craighead County. We think they will go somewhere else and develop if not approved.

**Mr. Waddell** clarified that the Fair Board is committed to developing this particular site as part of the City or County.

**Mr. Kelton:** Act 116 restructures the Board of Directors; now there is one director from each County for the NEA Fair- We can't lose control of the ball here can we?

**Mr. Eddie Burris**, NEA District Fair Board President and the County Fair Association: Stated that Act 116 is the act that makes Jonesboro the present and permanent home of the Northeast Arkansas District Fair. The law set up an advisory board, with 1 member from each county as an advisory commission only. It is an advisory capacity to make recommendations to the Board on livestock changes or the implementation of new plans or regulations in live stock procedures to just deal with the 6 days of the district fair.

Sequence number: 1

Author: Malone

Subject: Highlight

Date: 3/14/2011 7:24:28 PM

**T**I will stop short of calling this an absolute lie, because the homeowners involved could have changed their minds, but I can that within the first 2 weeks of learning of this proposed plan, I personally talked to someone from all, but one home in Oak sub-division. 4 people would not support opposing the Fair Association, one of those four I later learned that he does not own his house anyway. One truly did not care, two were willing to put up with it if they got Sewer access.

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**Mr. Hoelscher:** Stated that it appears that a number of the residents are in favor of this based on the provision of being annexed into the City as well; and the Fair Board has made the offer to participate in that as well. What ability or latitude do we have in including that in this recommendation, if one is made?

**Mr. Spriggs:** Because it would necessitate a separate process though a petition to the County Judge, I would recommend that we weigh that separately and on its own merit. Comments are fine at this time; however it would be premature without the boundary information of all affected parties. From a long-range planning perspective, it would be a concern of Staff that that area is considered for annexation in the near future, due to the cohesiveness of the Zoning and City limits map. We do have the ability currently to cover this area in our long range planning efforts, by State law under our extraterritorial jurisdiction area beyond the city limits. That would need to be a separate petition and order from the Judge with a similar process as what we have tonight.

**Mr. Roberts** asked about the Fair Board's commitment to assist in that process. **Mr. Spriggs:** It is my understanding that they have made agreements and concession to take care of that process.

**Mr. Ralph Waddell:** We have agreed to pay for the legal and surveying costs, if they have the requisite number of people that would be required for annexation.

**Mr. Tomlinson:** How long is that offer open? **Mr. Ralph Waddell:** there is no expiration date on it.

**Mr. Kelton:** As I understand it that if you are within a certain distance of a City sewer, you are expected to connect to it?

**Mr. Spriggs:** Because of the Health Department Standards, for those persons on a septic system- if they are within that 300ft. proximity to a local public sewer system, at the time of failure of their system, they would then be required to connect. The Fair Board has committed to participate in assisting with those extensions/connections.

**Mr. Ralph Waddell:** We have agreed to contribute a significant amount of money to the extension of that sewer line; that they can tap into the sewer main at a reduced cost.

**Mr. Lyons:** They have not agreed to a specific amount, nor have they indicated what the cost would be for all those residents. Those costs to connect are extremely expensive. They have not committed to paying all of that.

**Mr. Ralph Waddell:** The projected cost of that extension will be \$176,000; the Fair Board is committed to contributing up to \$100,000 (a significant portion). We are working very closely with CWL. The savings on the utility bills will offset the land owner's costs to connect.

**Ms. Norris** clarified the 300 ft. connection requirement stated earlier by Staff.

**Gene Vance:** We have employed an engineer to give us a preliminary sewer plan, and we have worked that preliminary plan with City Water Light. The \$176,000 includes the sewer mains within the Oak Subdivision, the yard lines to every house; so there are no additional charges outside the \$176,000. The Fair Board is willing to pay up to \$100,000, leaving approximately \$76,000 to be paid for by the homeowners. City Water Light will finance over

Sequence number: 1  
Author: Malone  
Subject: Highlight  
Date: 3/14/2011 7:13:34 PM

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*City of Jonesboro Council*  
**Staff Report – AZ11-01/RZ 11-08: Hudson/McCall/R.&C. Gilbert**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

**REQUEST:** To consider an **annexation** and **rezoning** of 80.69 acres of land to a zoning classification Tract-1: 78.66 acres to C-3; 2.03 acres to RS-5 Single Family Residential, and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action.

**APPLICANT/ OWNERS:** Rex Gilbert, Connie Gilbert, Philip T. Hudson, Robert F. McCall, Sandra McCall, Jonesboro AR

**LOCATION:** 0.4 miles north of Farville Curve on west side of Highway 49North. West boundary is Cr 701. Current address is 449 CR701, 572 CR701, and 5693 Highway 49North

**SITE DESCRIPTION:** Tract Size: Approx. 80.69 +/- acres, 3,514,556 Sq. ft. +/-  
 Frontage: Approx. 1,507.77 CR701ft.; 971.16ft. on Hwy. 49N.  
 Topography: Predominantly Flat, Gently Sloping  
 Existing Devolpmt.: Single family/vacant

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	“Unzoned”	County Single Family Residential
South:	“Unzoned”	Oak Subdivison/Residential
East:	“Unzoned”	Vacant/Commercial/Residential
West:	“Unzoned” /“R-1”	Residential/Vacant

**HISTORY:** No History, County Land

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

**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;



# Summary of Comments on Council Agenda

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Page: 1

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Sequence number: 1  
Author: Malone  
Subject: Highlight  
Date: 3/14/2011 8:37:12 PM

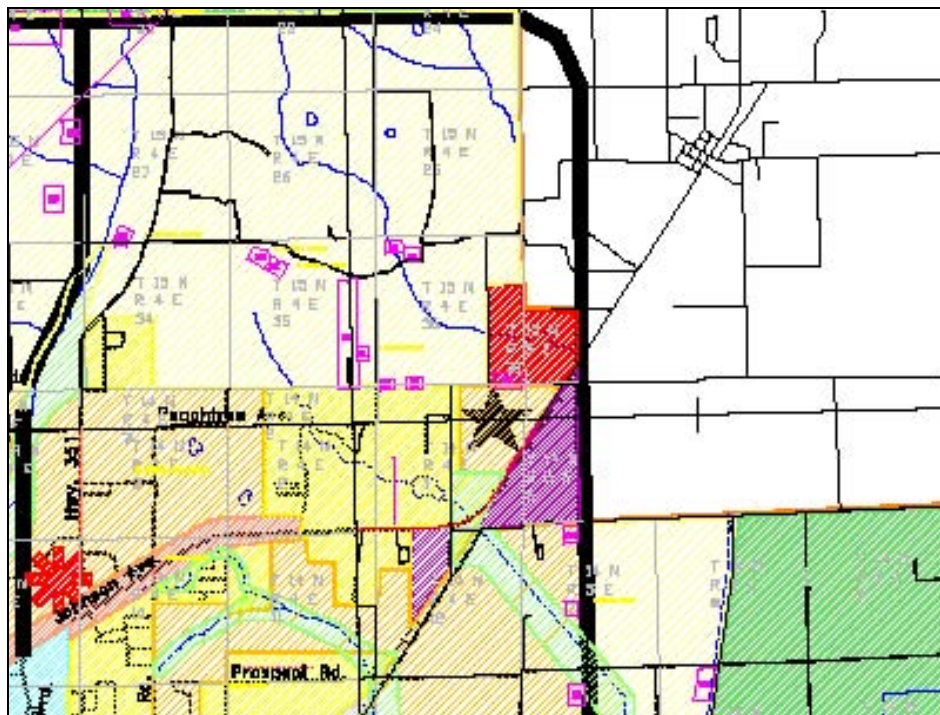
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- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any 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.

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northeast Sector and to be recommended as a Single Family Residential District Area. This area was outside the city limits at the time of land use map adoption. No in-depth study was performed for areas in outlying County areas during the last update and adoption, therefore a vast amount of rural area was tagged as single family until additional data is obtained by our GIS coordinator. Staff anticipates that Jonesboro 2030 Vision Comprehensive Plan will allow us to give closer attention to areas that have the potential for annexation or large redevelopment.



1995 Land Use Plan

## Page: 2

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Author: Malone  
Subject: Highlight  
Date: 3/14/2011 8:37:12 PM

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Author: Malone  
Subject: Highlight  
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Author: Malone  
Subject: Highlight  
Date: 3/14/2011 8:37:12 PM

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## MAPC Public Hearing- Record of Proceedings For March 8, 2011:

**Applicant: Mr. Ralph Waddell, Atty.:** representing the owners/petitioners and the Craighead County Fair Association: We are seeking to have approximately 80 acres located off of Hwy. 49 N. annexed into the City of Jonesboro and rezoning of Tract 1- 78 acres zoned to C-3 General Commercial and a 2-acre Tract 2 to RS-5 Single Family Residential. In advance we provided you with a packet of information on the Fair Association itself, the preliminary building plans and concerns raised by the neighboring land owners and how we've attempted to address those concerns.

**Mr. Ralph Waddell, Atty.:** The property is under contract with the Craighead County Fair Association. And the Fairgrounds wishes to develop a state of the art exposition conference center that can be used to not only host the fair but also a wide variety of community activities. The Fair is a not-for-profit corporation composed of representatives from the Jonesboro Jaycees and also Craighead County Farm Bureau. The primary function is to manage and maintain and operate the fairground site. Jonesboro has been officially designated by our Governor as the site of the NEA district fair that is a seasonal activity held each September and it lasts about 6 days. [1]he rest of the year, the fairgrounds are used for a number of events including Duck's Unlimited, St. Jude's Super Bowl Extravaganza, Pancake Days, and it is used for rentals by Cooperate Groups for trade shows, vendor shows and cooperate outings. It is used by Civic clubs, 4-H clubs, and Girl Scout activities. I know you are familiar with the current location on Stadium Blvd., the current site is no long adequate to serve the needs that we need to host; the buildings are old and obsolete and undersized we have limited parking and the area is land-locked with no opportunity to expand; [2]is located on of the most prime commercial districts in Jonesboro. Just about everyone agrees the fairgrounds should be relocated from that area; the question is where. For the last 10 years, the Fair Board created a long range planning committee to develop plans for a new facility and to accommodate the changing needs of the fair; and to seek and evaluate potential sites. It developed site criteria for the new location. In using that site criteria for the last 4 years we have searched and evaluated 10 sites before deciding on this one. [3] meets all the criteria in terms of access, topography, soil types, secondary access, etc. In the opinion of the Fair Board it is the best location for this conference and exposition center.

**Mr. Ralph Waddell, Atty.:** As noted by the by the city planner in the report, the site can be developed within the county today as a matter of right. But the Fair is seeking annexation into the City of Jonesboro primarily for services including utilities. By seeking annexation, the Fair is willing to subject itself to City codes, City Building Codes, and the other things that govern building construction and land use. We are seeking zoning and annexation and not permission to build. [4]his project is a 10- year /\$12 million dollar project. With two distinct areas of use: season use area (Fair, livestock shows), and a 12 month use area (Buildings for Community charitable and commercial events). The seasonal use areas are placed on the site to minimize the impact to the neighborhood. It will be constructed to blend in with the existing topography. Of the 78 acres only 10 % of the area is buildings; so there is plenty of green and open space. The fair desires to be a good neighbor. There have been 3 separate community meetings, where the Fair listened to the concerns and responded to concerns and made certain commitments. We outlined those in your packet, including strategically locating the buildings to create buffer zones with fast growing trees, landscaping etc. to eliminate noise. Constructing a masonry fence on the southern boundary between those houses directly affected and limiting some of the access on Clinton School Rd. [5]/[6]have committed to assist the neighbors living in the Oak Subdivision to the south, to be annexed into the City of Jonesboro in paying surveying and legal costs to annex them. This will give them available city sewer, lower water/utilities costs, garbage collection, etc.

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Based on the advise of State Representative Homer Lenderman, we have located land that is currently available on Highway 18 East/East Highland within the current city limits; shown as mixed use and heavy industrial on the planned use map; mostly flat topography; depending on the property chosen less than 1/2 mile from current CWL sewer system; 4- lane highway frontage; also depending on which site someone chooses, within 1/2 mile of the proposed North Bypass, and the locations South of Highland would literally have 4 lane highway within a mile on three sides; based on 07-08 traffic study by the Arkansas Highway Department 57% of the traffic passes these locations than does the proposed site on Highway 49 North; and last, but not least, not being a developer I can show that it would be less expensive, and compliant with your land use plan, to build on one of these sites than the current proposed fairgrounds site.

I would be happy to provide anyone of you with the numbers and site all of our sources which includes quotes from Engineers at CWL, Traffic studies from the Arkansas Highway Department, quotes from a reputable Foreman in the commercial construction business, quotes from local plumbers, and quotes from local developers upon request.

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Sequence number: 4  
Author: Malone  
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Is it realistic to believe that a company would build a \$12 million dollar project for "6 days a year"

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**Mr. Ralph Waddell, Atty.:** Regarding the Land Use Plan: the proposed site is not in the City limits. It is not zoned; we are requesting C-3 zoning to accommodate the activities. We think the C-3 is compatible with the Land Use Plan; proceeding away from Hilltop, and proceeding east, there is already commercial in that area. <sup>1</sup>here is lot of property for sale for Commercial use in addition to the 76 acre NEA Baptist Memorial Hospital site with certain business along that same area. Commercial development will eventually connect Jonesboro to Paragould not residential development. <sup>2</sup>he annual fair plays a small part of what the grounds will be used for. The fair is committed to developing this site, and want to be good neighbors and annex into the City. We are asking the MAPC to adopt the recommendations of the Planning Staff for annexation and rezoning.

### **Opposition:**

**Jim Lyons, Atty.:** On behalf of the opponents, presented handouts. There are a number of residents in opposition. All person in opposition stood: *Approximately 50 persons were present.* **Mr. Lyons** stated that the use is not consistent with the Land Use Plan, which is about 14 to 15 months old. (Jan. 5, 2010 adopted) We need to be consistent with the Land Use Plan; it should be rejected. **Mr. Lyons** disagreed with application, Item No. 9- on Adverse Affect. It says it should not adversely affect any of these. Everybody understands that anyone living next to the fairgrounds would not agree. If you look in the booklets you see the photos of the back of people's property. It will not just be the fairgrounds in September, but <sup>3</sup><sup>h</sup> of July activities and others. Not just the one-week activities, but the future use is a concern. **Mr. Lyons** noted that he does a lot of condemnations in high traffic areas that are great for commercial uses; but horrible for residential properties. High traffic is important to commercial development. Application, Item No. 1, Impact on utilities, streets, drainage, fire, and medical services was questioned. It will have a number of effects. It may provide utilities, but it will do nothing for the streets, but provide problems for drainage. A walking track is the only thing on the plan.

**Mr. Lyons:** This area is intended for single family residential and it is not important what may occur in 2030. More importantly, the last item in the folder: this doesn't comply with the Jonesboro Code of Ordinances, Article 7, Chapter 117- Parking, Section B.: Parking and Loading schedule. Off-street parking shall be provided with the schedule, with minimal surfacing (See # 5)- *all required parking and driveways shall be paved with asphalt concrete or brick...* They are asking you to disregard the ordinance, and to disregard the requirements with the grass parking, with the porous flexible paving system. Comments were made on curbing, drainage and run-off also. **Mr. Lyons** commented on the parking calculations where they calculated needing 2600 cars. He calculated a little higher than that (2,655 cars). **Mr. Lyons** calculated the landscape formula also at 780 shrubs in this area.

<sup>4</sup>**Mr. Lyons** also referred to Page 9 and 10 of 12- Residential Compatibility Standards. High density and non-residential areas is an issue. They are in violation of the Jonesboro Code. Page 11 of 12 Site Design Standards: exterior lighting shall be minimized. Fairgrounds will not minimize lighting, as they wish to build an outdoor arena for concerts, with sound similar as Mud-island; proposing to serve 4,000 to 5,000 people, with concerts similar to ASU. For the night of the concert they will have large number of people going in and cleaning up there, but not cleaning the resident's properties. <sup>5</sup><sup>e</sup> believe it should be denied.

**Mr. Ralph Waddell, Atty.:** We received a petition of signatures from 39 people that are in support of the annexation from the Oak Subdivision. **Mr. Waddell** gave comments on the land use plan which was a default position on lands out in the County. He read the staff report

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**T** No one has disputed this opinion. The businesses currently on Highway 49 North have made a minimal negative impact on our neighborhood that I am aware of.

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Author: Malone  
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**T** This only adds to our argument that this is NOT "6 days a year"

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Sequence number: 3  
Author: Malone  
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**T** We have all either watched fireworks at the Jonesboro Country Club; Elks Lodge; Craighead Forest; or other venue. If you happen to live long one of the roads where people congregate to watch then you have my sympathy. As of today we do not. I would like to keep it that way.

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Author: Malone  
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**T** In your packet is a scale comparison of both the Mud Island Amphitheater and the amphitheater shown on the site plan of the proposed fairgrounds

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comments on the Land Use. The 1995 plan was referred to, where it recommended a regional commercial center north of this site, as well as provided for a park area on this site.

**Mr. Waddell** stated that they have engaged Ernie Peters, Peters Associates, to work out traffic issues. We have consulted with AHDT. We have been in discussion with Jonesboro fire and police who do not oppose. Paving, Curbing, and Landscaping will be dealt with during the site plan process.

**Mr. Spriggs** summarized the Staff Report. He gave comments on the Land Use Plan. The 1995 plan does refer to a regional commercial use north of this site. [1]e would construe the fairground use as “outdoor/indoor recreational uses”, which are allowed as of right in C-3 Commercial, but as a conditional use in AG-1 Districts as well as in RS-1 & RS- 2 Single Family Districts (large lot districts). That option is available for such uses. We noted in the staff report, the Master Street Plan recommendations. CR 701/Clinton School Road is in need of improvements. Access management would require such improvements. We will be taking in ½ right of ways on CR701 and right of way dedication will be necessary. Fire and Police reports were provided and no issues of concern were raised. Buffering was a concern by staff and the applicant has noted compliance will be made. This, if approved will come back to the MAPC as a site plan review.

[2]**Mr. Spriggs** added that the flex paving system parking is a new concept. The city engineering department would prefer the system from a storm water management perspective. They will be required to meet all City Stormwater regulations as required during permitting.

**Mr. Joe Tomlinson** asked about the Master Street Plan for Clinton School Road, which is a collector road which requires 80 ft. of right of way/ 60 ft. minimum required.

**Larry Cliff**, 287 CR705: Stated that he represents 41 homeowners; 24 separate lots. We have no objections to the Fair Association and they want to be our good neighbor.

**Mr. Scurlock:** Noted that it seems like we have 2 issues. If the fairground is annexed or if they are not; we have less control. **Mr. Spriggs** clarified that if it were developed in the County, there will be no City required design standards applied. Details on CR701 were asked.

**Mr. Kelton** referred to a new law, **Act 116** that the fairground be held in Craighead County. It will be the permanent home.

**Mr. Lyons.** The law is now in Craighead County. We think they will go somewhere else and develop if not approved.

**Mr. Waddell** clarified that the Fair Board is committed to developing this particular site as part of the City or County.

**Mr. Kelton:** Act 116 restructures the Board of Directors; now there is one director from each County for the NEA Fair- We can't lose control of the ball here can we?

**Mr. Eddie Burris**, NEA District Fair Board President and the County Fair Association: Stated that Act 116 is the act that makes Jonesboro the present and permanent home of the Northeast Arkansas District Fair. The law set up an advisory board, with 1 member from each county as an advisory commission only. It is an advisory capacity to make recommendations to the Board on livestock changes or the implementation of new plans or regulations in live stock procedures to just deal with the 6 days of the district fair.



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Sequence number: 2  
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**T** Based on the soil in our area.

Either you have this flexible parking system; you have concrete or asphalt covered parking; or you have a muddy mess.

The concrete and asphalt covered parking would not allow for the necessary field lines in the septic system that would be needed. Due to field lines; runoff and drainage issues flexible parking system is not a good idea either.

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**Mr. Hoelscher:** Stated that it appears that a number of the residents are in favor of this based on the provision of being annexed into the City as well; and the Fair Board has made the offer to participate in that as well. What ability or latitude do we have in including that in this recommendation, if one is made?

**Mr. Spriggs:** Because it would necessitate a separate process though a petition to the County Judge, I would recommend that we weigh that separately and on its own merit. Comments are fine at this time; however it would be premature without the boundary information of all affected parties. From a long-range planning perspective, it would be a concern of Staff that that area is considered for annexation in the near future, due to the cohesiveness of the Zoning and City limits map. We do have the ability currently to cover this area in our long range planning efforts, by State law under our extraterritorial jurisdiction area beyond the city limits. That would need to be a separate petition and order from the Judge with a similar process as what we have tonight.

**Mr. Roberts** asked about the Fair Board's commitment to assist in that process. **Mr. Spriggs:** It is my understanding that they have made agreements and concession to take care of that process.

**1** **Mr. Ralph Waddell:** **2** We have agreed to pay for the legal and surveying costs, if they have the requisite number of people that would be required for annexation.

**Mr. Tomlinson:** How long is that offer open? **Mr. Ralph Waddell:** there is no expiration date on it.

**Mr. Kelton:** As I understand it that if you are within a certain distance of a City sewer, you are expected to connect to it?

**Mr. Spriggs:** Because of the Health Department Standards, for those persons on a septic system- if they are within that 300ft. proximity to a local public sewer system, at the time of failure of their system, they would then be required to connect. The Fair Board has committed to participate in assisting with those extensions/connections.

**Mr. Ralph Waddell:** We have agreed to contribute a significant amount of money to the extension of that sewer line; that they can tap into the sewer main at a reduced cost.

**Mr. Lyons:** They have not agreed to a specific amount, nor have they indicated what the cost would be for all those residents. Those costs to connect are extremely expensive. They have not committed to paying all of that.

**3** **Mr. Ralph Waddell:** The projected cost of that extension will be \$176,000; the Fair Board is committed to contributing up to \$100,000 (a significant portion). We are working very closely with CWL. The savings on the utility bills will offset the land owner's costs to connect.

**Ms. Norris** clarified the 300 ft. connection requirement stated earlier by Staff.

**Gene Vance:** We have employed an engineer to give us a preliminary sewer plan, and we have worked that preliminary plan with City Water Light. The **4** \$176,000 includes the sewer mains within the Oak Subdivision, the yard lines to every house; so there are no additional charges outside the \$176,000. The Fair Board is willing to pay up to **5** \$100,000, leaving approximately \$76,000 to be paid for by the homeowners. City Water Light will finance over

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Sequence number: 4  
Author: Malone  
Subject: Highlight  
Date: 3/14/2011 8:37:12 PM

**T** The Fair Association has been kind enough to allow for us to pay, based on the numbers that Mr. Vance reported at the MAPC meeting, \$40.00 a month which with the savings in an electric bill "balanced out".

Even if I look at this conservatively.

Assuming these same homeowners live another 15 years in their homes. The Fair Association is offering to allow us to pay \$40 a month for 15 years, which we would pay to Craighead Electric anyway, to save about 200 dollars a homeowner in legal fees and get the same services that every taxpayer in the city receives already.

As a bonus we get get concerts from April to October, Monster trucks, tractor pulls, and 6 days a year we get to have the carnival workers camped out next door.

Does not sound like such a great deal to me.

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15 year period the costs. We are not sure to the penny, but that cost may be between \$25 and \$30 per household on their future sewer bill. Their sewer bill will be approximately \$15.00 per month based on water usage, which will make it \$40 to \$45 per mo./household for sewer. We ran examples of 2 electrical bills for the past 2 years of the home owners, and the smallest was a savings of \$500.00 year or approximately \$40.00 per month. So the savings on the electricity alone will almost pay for every home owner to have sewer there. Some of the septic systems in the area are already failing. That's why there are so many home owners that want to be on city sewer. We are offering to help them with that. This is not required but the Fair Board is trying to be good neighbors. They will save a \$1.50 mo on water bill (surcharge of \$1.50 will go away). Most of the Oak Subdivision residents pay \$48 per quarter or \$16 per month for sanitation. That \$16.00 goes away on garbage. They will save 20-30 percent, depending on insurance carrier, on their fire protection on their home owner policy. When the contractor completely runs the yard lines, it will be grassed back over, so they won't tell it was there.

**Mr. Kelton:** Asked about the traffic on CR701.

**Mr. Vance:** We have 3 acres on CR701. This is a preliminary plan; we will bring back a site plan to you. The southern drive on CR701 is only for service access for fire, police and ambulance service. The middle drive is for the livestock exhibitors. Personnel will restrict access for the livestock area; that gate will be manned during all activities. The northern gate will be only open during the day and locked at 11pm and not opened until the next day. The northern gate is for the workers only.

*Concerns on CR701:* If the County Judge will released CR701 and the City Engineer will accept the right of way of CR701, that we will work and try to get the right of way on the west side brought in, where CR701 will be a City street. It will be up to the County Judge and our City Engineer. We will work with the Mayor and the County Judge to have the road paved all way to CR702 as has been promised. Public access will be off Hwy. 49N only. **1**he only exception, and we haven't gotten our report back from Peters and Associates is that after 9:00 at night, we may open up access CR701 northbound only with off duty police or the National Guard to lead the cars to 702 to go east or west at the signal light on Hwy. 49. But CR701 will **2**e paved to CR702 as promised. All public access will be off Hwy. 49. Everything we are doing to Hwy. 49 will be approved by AHDT in Little Rock.

**George Adams-** Lives on County Road 7450, spoke about other county roads that are not setup to handle the fair traffic. Two cars can barely pass. I built out there so my daughter can play in the yard. The fair it is ok for one week, but we have to deal with the folks that travel in an out of there. Our theft in that area will increase. I don't know how the area will be patrolled. We've had some problems out in that area. We have trouble getting police out there. I oppose it because of the traffic.

**Ray Elliot,** 696 CR702. They stated in the neighborhood meeting that their traffic for all the horses and the Carnival rides will come down CR702 and come down to CR701; that road is not acceptable. This is a rural area. This will tear the roads up. They are saying that they come in off Hwy. 49 but all the trailers and rides will come on CR702 and come down CR701.

**Mr. Vance:** It is a County Road. Our intent is not to bring in heavy equipment and rides and trailers down CR702. Our fair manager, who is present tonight, will ensure that the carnival rides which set up day before will come in off of Hwy 49. We are talking about workers and pick-up trucks with trailers.

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Sequence number: 1

Author: Malone

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**T** We have a few issues with this one as well.

The very things that Mr. Vance continues to state would be benefits of our homes being annexed are the very things that the Fair Association needs.

The NEA District Fair averaged 10,000 people a day in 2010. Also the Fair Association has said that their cattle and swine buildings will have floor drains in which to carry away runoff from cleaning animals. We all know what is going to be washed away. Also this is type of material that is required to go into the sanitary sewer system or a septic system. Based on only the waste produced by people visiting the fair in one day. It is either not possible or an extremely poor choice to put this type of complex on a rural septic system. Also realize that this proposed property is uphill and directly adjoining a residential neighborhood.

In order to provide security during the NEA District Fair, and any other use of the property would require law enforcement security, any thing less and they would be reduction in what is referred to in medicine as "standard of care". The Jonesboro Police Department does not allow off-duty officers to work security outside the city limits. The Craighead County Sheriffs office does not have enough deputies including reserve to provide the same level of security as has been noted during fair week in recent years. Craighead County Mounted Patrol, though wonderful group of people who are willing to come work for free, are a large majority civilians, some are off duty deputies having been around them a good bit during events I have never witnessed anyone in Mounted Patrol represent themselves as law enforcement. Mr. Vance has mentioned the National Guard providing security publicly during meetings. Mr. Vance is incorrect in this assumption. The ASU ROTC Cadets have been used in the parking lots during fair week in the recent past. They wear a US Army uniform and may appear as National Guard to someone and may also be enlisted in the National Guard, but that is not the function or organization they are representing.

The location of the proposed fairgrounds site being in the city and zoned commercial does set it up as prime commercial real estate a few years from now. Property value has been rapidly climbing in this area with the construction of NEA Baptist and the accompanying office buildings, pharmacies, restaurants, and hotels that follow hospitals.

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Sequence number: 2

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**T** Oh the folks on CR 701 are going to love that. Who wants to tell Luther that they going to widen the road and take some of that right of way?

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**Action:** Mr. Roberts made a motion that MAPC grants and recommends approval to City Council for the annexation and the rezoning to C-3 and RS-6 Zoning District. Motion was 2<sup>nd</sup> by Mr. Scurlock.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6-0)

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**1 Findings:**

The applicant proposes to have the subject property annexed and rezoned to accommodate a 10 year plan to develop a complete community activity center on Tract 1 having 78.66 acres +/- as **C-3 General Commercial**. In accordance with the Jonesboro Zoning Ordinance, Chapter 117, the site with its anticipated uses illustrated on site layout (attached) will accommodate indoor and outdoor recreational uses, which are permitted within the **C-3 General Commercial District**. Agriculture and farmers market type uses are permitted within the C-3 Zoning District, with animal agriculture allowed as a conditional use.

The nature of the proposed community event center is typically seasonal; therefore any impact on the surrounding community should pose as minimal and temporary, while providing for much needed open space and recreational area in this region of Jonesboro, which lacks community parks. In fact this use will provide for some active recreation, with the ½ mile walking trail amenity included in the proposal.

**3** The proposed use of the subject property as a fairground/community events center could be built today (as of right) without any City input or approvals, absent of any Zoning restrictions or controls. Staff has no objection with the proposed seasonal use of the property. With the intention of the 78.66 acres to be developed as a large scale development, MAPC site plan approval is a must. Upon Site Plan Approval, final platting illustrating compliance with right of way requirements, landscape screening, as well as access drive and building locations will be reviewed in greater detail by the Commission.

2

**Police and Fire Safety**

The Jonesboro Police Chief has noted that the relocation of the fair grounds to the subject location will not cause a noticeable burden on crime or police safety enforcement. The distance to the nearest City Fire Station from the project site is 3.4 miles to the east property line, and 3.1 miles to the west property line. Therefore the city's current ISO rating will not be adversely affected. The Fire Chief has noted that he has no issues with the annexation/proposed rezoning. All future site plan and building permit approvals will be subject to fire marshal approval.

**Screening/Buffering:**

The applicant proposes to provide a landscape buffer zone along the western frontage (Clinton School Road, a landscape screening along the northwestern seasonal midway area, and landscape buffering including a masonry screening wall with landscaping along the southern boundary where residential homes currently exist. A final landscaping plan will be required as part of the site plan approval process.

**Parking:**

The applicant proposes to utilize the green parking technology for portions of the parking area which is a typical application for ball fields or outdoor recreational facilities. The porous flexible paving system is desirable where storm water runoff is a concern. The main customer area parking will be paved to accommodate 400 cars; with the remainder future parking and flex parking areas utilizing the flex paving system. All private drives and truck/service parking areas will meet the Zoning Code regulations.

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Sequence number: 2  
Author: Malone  
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METROPOLITAN AREA  
PLANNING COMMISSION  
Jonesboro, Arkansas

# Application for a Zoning Ordinance Map Amendment

Date Received: 02-17-11  
Case Number: BZ-11-08/AZ11-01

### LOCATION:

Site Address: 0.4 miles north of Farville Curve on west side of Highway 49 North. West boundary is CR 701. Current address is 449CR701, 572CR701, and 5693 Highway 49 North.

Side of Street: W between Highway 49 and CR701

Quarter: NE Section: 01 Township: 14N Range: 4E  
NW 06 14N 5E

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: N/A Rural Property Proposed Zoning: C-3 for Tract 1 (78.66 acres)  
RS-5 for Tract 2 (2.03 acres)

Size of site (square feet and acres): 3,514,556 SQ FT – 80.69AC Street frontage (feet): Highway 49 –  
CR 701 – 1,507.77' 971.16'

Existing Use of the Site: VACANT

Character and adequacy of adjoining streets: Highway 49 – 5-lane state highway,  
CR701 – County road – gravel surface due to be paved.

Does public water serve the site? YES

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

Does public sanitary sewer serve the site? NO

If not, how would sewer service be provided? Sewer Extension by Developer to connect to CWL services at developer's expense.

### Use of adjoining properties:

North Rural – not in city limits

South RESIDENTIAL -(Rural subdivision)

East COMMERCIAL -(Rural – not in city limits)

West Rural (developing)

Physical characteristics of the site: VACANT SITE

Characteristics of the neighborhood: OLDER SINGLE FAMILY RESIDENTIAL, WITH GROWING COMMERCIAL AND RESIDENTIAL IN THIS AREA

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# Summary of Comments on Council Agenda

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Page: 1

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Sequence number: 1  
Author: Malone  
Subject: Rectangle  
Date: 3/15/2011 12:40:13 AM



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Sequence number: 2  
Author: Malone  
Subject: Note  
Date: 3/15/2011 12:40:24 AM



Older Single Family Residential..."

These houses were built in 1994-95. Right on the edge of a city established roughly 150 years ago, and considering most of the houses are financed on 30 year notes.

That does not sound so old, but it is Mr. Waddell's job in this to spin things in his clients favor.

---

**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? N/A
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? TO DEVELOP A COMPLETE COMMUNITY ACTIVITY CENTER TO INCLUDE THE NORTHEAST DISTRICT FAIR (ONE WEEK IN SEPTEMBER).
- (3). If rezoned, how would the property be developed and used? TO DEVELOP A COMPLETE COMMUNITY ACTIVITY CENTER TO INCLUDE THE NORTHEAST DISTRICT FAIR (ONE WEEK IN SEPTEMBER).
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? PRELIMINARY DESIGN CALLS FOR APPROXIMATELY 200,000 SQUARE FEET OF DEVELOPMENT FOR THE 10 YEAR PLAN.
- (5).  YES, the proposed rezoning is consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?  
 NO, IS NOT CONSISTENT WITH THE CURRENT LAND USE PLAN.
- (6). How would the proposed rezoning be in the public interest and benefit the community?  
IT WOULD ALLOW DEVELOPMENT OF COMPLETE COMMUNITY ACTIVITY CENTER.
- (7).  YES, would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?  
ZONING WOULD BE CONSISTENT WITH THE CONTINUING DEVELOPMENT ALONG HIGHWAY 49 NORTH WITH THE PROPERTY CURRENTLY NOT IN THE CITY.
- (8).  NO, are there substantial reasons why the property cannot be used in accordance with existing zoning?  
DEVELOPMENT COULD BE COMPLETED WITHOUT ANNEXING THE PROPERTY. HOWEVER, THE DESIRE OF THE DEVELOPER IS TO BE WITHIN THE CITY LIMITS IN ORDER TO DEVELOP ACCORDING TO CITY CODES AND ORDINANCES.
- (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. THIS REZONING SHOULD NOT ADVERSLY AFFECT ANY OF THE ABOVE.
- (10). How long has the property remained vacant? THE PROPERTY HAS REMAINED VACANT FOR SEVERAL YEARS EXCEPT FOR THE ONE OCCUPIED FARM HOME ON THIS PROPERTY.
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? IT SHOULD HAVE MINIMAL IMPACT ON THESE SERVICES WITH THE DEVELOPER EXTENDING CWL UTILITIES TO THIS PROPERTY IT SHOULD HAVE A POSITIVE IMPACT ON THE AREA. ALSO THE ULTIMATE UTILIZATION OF THIS PROPERTY IS CONSISTENT WITH THE NEED FOR ADDITIONAL NEIGHBORHOOD PARKS AND OPEN AREAS.
- (12). If the rezoning is approved, when would development or redevelopment begin? WOULD LIKE TO PERMIT CONSTRUCTION IN EARLY SUMMER.
- (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.* MEETINGS WERE HELD TO DISCUSS THE PROPOSED DEVELOPMENT.
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

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## Page: 2

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Sequence number: 1  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 4:29:38 PM



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Sequence number: 2  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 9:06:02 PM



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Sequence number: 3  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 9:05:21 PM



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Sequence number: 4  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 9:17:07 PM



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Sequence number: 5  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 9:06:21 PM



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Sequence number: 6  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 9:14:24 PM



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Sequence number: 7  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 8:48:06 PM



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Sequence number: 8  
Author: Malone  
Subject: Rectangle  
Date: 3/14/2011 8:52:10 PM



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Sequence number: 9  
Author: Malone  
Subject: Note  
Date: 3/14/2011 8:51:23 PM



The Land use plan is barely more than a year old. They are revised every 5 years.

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Sequence number: 10  
Author: Malone  
Subject: Note

Comments from page 2 continued on next page


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Date: 3/14/2011 8:51:34 PM

 The C-3 zoning that is requested would extend all the way to Clinton School Road and extend across 1600 feet of single family residential.


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Sequence number: 11

Author: Malone

Subject: Note

Date: 3/14/2011 8:52:21 PM

 Same argument as before.

They need CWL sewer for various reasons

Police

Fire

CWL electric

---

Sequence number: 12

Author: Malone

Subject: Note

Date: 3/15/2011 12:40:38 AM

 See page 4 of this document for a written opinion of the impact of this property use.


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Sequence number: 13

Author: Malone

Subject: Note

Date: 3/15/2011 12:40:35 AM

 Now that is a stretch. I personally would welcome a park in this location. By the time that this thing is built and all of the walls and fences that will be built are. CR 705 will live in a compound. right next door to a compound that we are trying so hard to stop.


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Sequence number: 14

Author: Malone

Subject: Note

Date: 3/15/2011 12:40:32 AM

 How do the neighbors feel about the proposed rezoning?

I personally have 200+ signatures on petitions, and an additional amount that we will bring for the City Council.

We feel that a non-profit organization is trying to impose their will upon our small neighborhood with no regard to our homes, families, safety, peace of mind, and property value.

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# CRYE-LEIKE, REALTORS®

2907 S. Caraway Road • Jonesboro, AR 72401

March 14, 2011

Mr. Jim Lyons, Attorney  
407 South Main Street  
Jonesboro, Arkansas 72401

RE: Fairgrounds Relocation

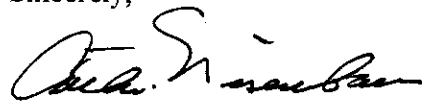
Dear Mr. Lyons:

I want to take this opportunity to give you my opinion of what the relocation of the fairgrounds will do to the property values of the surrounding neighborhoods. I have been listing and selling real estate in Jonesboro since 1989 and am the Principal Broker and Manager of Crye-Leike, Realtors.

These neighborhoods are residential and just outside the city limits. I have sold homes in these neighborhoods in the past. Families who have bought there had a desire to be in a quiet country atmosphere with conveniences the City of Jonesboro has to offer not being very far from their homes. The relocation of the fairgrounds to this area will not help the value of these homes appreciate. It is my opinion it will do the exact opposite, they will decrease in value because of the obvious reason, the "quiet country atmosphere" will no longer be there. The fairgrounds being located there will effect the safety of children, traffic count, noise level, the list goes on and on.

Annexing these properties into the city limits to allow them city sewer is not going to make up for the depreciation of what the fairgrounds will do to the value of these properties.

Sincerely,



Cathi Nisenbaum



*For all your Real Estate needs.*



**Cathi Nisenbaum**

Broker/Manager, CRS, GRI

Office: (870) 933-5699 • Home: (870) 932-5905 • Mobile: (870) 930-5673

**From:** [Kasey](#)  
**To:** [Tim Dean](#);  
**Subject:** RE: ASU-concerts  
**Date:** Thursday, February 24, 2011 11:58:27 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

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Mr. Dean,

It was Michael Cureton that made the statement. If you need anything else, just let me know.

Thanks,  
Kasey Walter

--- On **Thu, 2/24/11, Tim Dean**  
<[timd@astate.edu](mailto:timd@astate.edu)>  
wrote:

From: Tim Dean <[timd@astate.edu](mailto:timd@astate.edu)>  
Subject: RE: ASU-concerts  
To: "Kasey" <[kswalter2000@yahoo.com](mailto:kswalter2000@yahoo.com)>  
Cc: "Tim Dean" <[timd@astate.edu](mailto:timd@astate.edu)>  
Date: Thursday, February 24, 2011, 11:28 AM

Ms. Walter,

Thank you for the information. I find it interesting that they feel it important to publicly single us out as an area they want to compete with. That is good information to know. Could you possibly tell me who the person was that made the comment?

Thank you,

# Tim Dean

## *Director*

ASU Convocation Center

PO Box 880

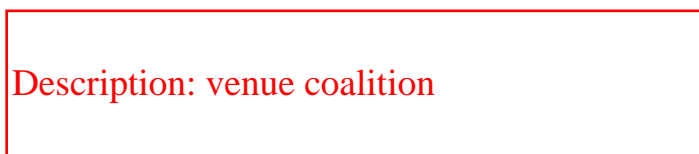
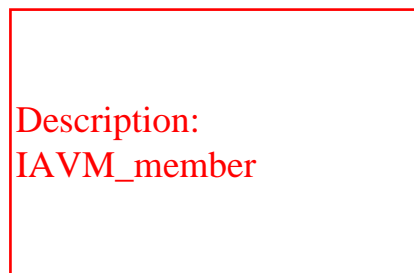
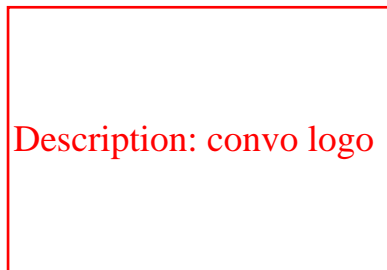
State University AR 72467

(870) 972-3870 phone

(870) 972-3825 fax

[timd@astate.edu](mailto:timd@astate.edu)

astateconvo.com





**From:** Kasey [mailto:kswalter2000@yahoo.com]  
**Sent:** Thursday, February 24, 2011 11:25 AM  
**To:** Tim Dean  
**Cc:** Joey Walter  
**Subject:** ASU-concerts

Mr. Dean,

I am one of the property owners who are trying to stop the fair from coming into our neighborhood. We attended a community meeting on Tuesday evening and learned some information you might be interested in.

One of the structures they are planning on building is a 5'000 capacity amphitheater. One of the fair board members stated that the reason they wanted to build this was to get concerts away from the convocation center and have them there. I just felt like this was an un-neighborly attitude and I wanted to share it with you.

Thanks for your time,  
Kasey Walter