

Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: 08-15-08
Case Number: RZ-08-20

LOCATION:

Site Address: 5416 Maple Valley Dr.

Side of Street: E between Hwy 49-SW Dr and Brighton Lane

Quarter: N 1/2 Section: 2 Township: F13-N1 Range: R3-E

Attach a survey plat and legal description of the property proposed for rezoning. A Registered Land Surveyor must prepare this plat.

SITE INFORMATION:

Existing Zoning: R-1 Proposed Zoning: C-4 Local

Size of site (square feet and acres): 0.88 ac
see plat Street frontage (feet): 303'

Existing Use of the Site: Valley View Fire Dept / Storage

Character and adequacy of adjoining streets: 2 lane Good Condition

Does public water serve the site? Yes CWC

If not, how would water service be provided? _____

Does public sanitary sewer serve the site? Yes CWC

If not, how would sewer service be provided? _____

Use of adjoining properties:

North Res

South Res

East Res

West Res / Church

Physical characteristics of the site: Flat w/ Exst Bldg & Parking

Characteristics of the neighborhood: General Residential w/ some commercial

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. Please prepare an attachment to this application answering each of the following questions in detail:

- (1). How was the property zoned when the current owner purchased it? *R-1*
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? *To conform to ordinance based on use*
- (3). If rezoned, how would the property be developed and used? *No change*
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? *No change*
- (5). Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan? *Yes*
- (6). How would the proposed rezoning be in the public interest and benefit the community? *Creating no change in area*
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? *No change*
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning?
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property. *No change*
- (10). How long has the property remained vacant? *Not vacant*
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? *No change*
- (12). If the rezoning is approved, when would development or redevelopment begin? *Immediately*
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.*
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted. *Quiet light commercial assembly of small electrical components.*

OWNERSHIP INFORMATION:

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

Owner of Record:

I certify that I am the owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

Name: WADE CARPENTER
Katrina Carpenter
Address: 5309 CORDOVA LN
City, State: JONESBORO, AR ZIP 72404
Telephone: 870 926 5034
Facsimile: 870 268 3750
Signature: *[Signature]*

Applicant:

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

Name: _____
Address: _____
City, State: _____ ZIP _____
Telephone: _____
Facsimile: _____
Signature: _____

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

[Handwritten signature]

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MOONEY LAW FIRM, P.A.
ATTORNEYS AT LAW
401 S. MAIN - P. O. BOX 1428
JONESBORO, ARKANSAS 72403-1428

CHARLES M. MOONEY, SR.
CHARLES M. MOONEY, JR.
CLARKE MIXON
JAMES F. GRAMLING, JR.
JAMES R. BARR

PHONE: 870-935-5847
FAX: 870-935-4438
EMAIL: smooney@mlfark.com
WEBSITE: mlfark.com

August 15, 2008

Mr. Otis Spriggs
MAPC Planning
307 Vine Street
Jonesboro, AR 72401

Re: Wade and Katrina Carpenter Rezoning Request

Dear Otis:

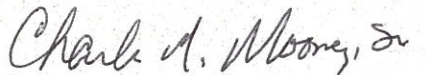
I'm enclosing a Rezoning Application, 4 copies of plat, and check in the sum of \$100 payable to the City.

Please place this rezoning request on the agenda for the September 9, 2008, MAPC meeting.

If you need anything further, please advise.

Cordially yours,

MOONEY LAW FIRM, P.A.


Charles M. Mooney, Sr.

CMMsr:bg
enclosures

cc: Wade Carpenter

REZONING PETITION

Date: _____

Case Number: RZ -08-20

Address of Rezoning Request:
5416 Maple Valley Drive, Jonesboro AR 72404

To: Metropolitan Area, Planning Commission
City of Jonesboro, Arkansas

We, the undersigned owners of properties affected by the requested rezoning change described in the referenced case, do hereby protest against any change of the Land Development Code which will rezone the property 5416 Maple Valley Drive to any classification other than RESIDENTIAL (R-1).

We, the undersigned, realize that this Petition is in opposition to the rezoning application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition.

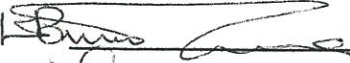
REASONS FOR OUR OPPOSITION

1. Suitability of the subject property for uses to which it has been restricted: We the undersigned property owners affected by the requested rezoning believe that "assembly of small electrical components" constitute a "manufacturing, general", "manufacturing, limited" or "basic industry" use for which the Planning Commission prohibits in a residential area under C-4 districts – refer to chapter 14 of Planning Commission's manual.
2. Comparability of the C-4 rezoning proposal with uses and character of the current residential area: The purpose of the C-4 zoning provided by the Planning Commission is to enable the district to provide limited retail trade and services to serve the adjacent residential neighborhood. The proposed use "assembly of small electrical components" is not a retail trade or a provision of a service that will serve or benefit the current residential area. Furthermore, the Planning Commission indicates that for a C-4 rezoning, the buildings must be of a residential character in appearance. We believe that the current building is not of a residential character or appearance.
3. Extent to which approval of proposed rezoning will detrimentally affect nearby property: Under item (9) of the application form, the applicant indicates that "THERE WILL BE NO CHANGE" in how the proposed rezoning would affect nearby property value, traffic, visual appearance, noise, light, vibration, hours of use, etc. We the undersigned property owners in the area strongly disagree. We believe any change in the use of a residential property to "assembly of small electrical component" no matter how the components are produced will fundamentally affect the value of our property, traffic to the property, create noise, affect hours of use of the property, light intensity in the area in future. Indeed, the installation of high intensity lights on the proposed rezoning property (5416) is currently affecting the residents of 5412 property. Furthermore, as an example, we the undersigned believe that the "commercial shops" approved for "5510 Highway 49" in the area have dramatically devalued the properties in the whole residential area as the

"shops" have been idle without any use. We do not want similar problems in our neighborhood.

- How the neighbors feel about the proposed rezoning? Neighbors have had series of meetings with the applicant on the effective use of the property. In our discussions with the applicant, the neighbors have made it clear to the applicant not to rezone the property but to continue to use it as residential in the same manner as the city sold it. The neighbors also support the applicant to use the property in a manner that will not fundamentally change the character and appearance of the area as well as detrimentally affect the values of our properties.

We, the undersigned, are owners of real property located within the statutory area related to the property for which a rezoning is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Petition as true and correct signatures in order for this Petition to be valid.

SIGNATURE OF OWNER (All owners of property must sign)	OWNER'S NAME	PROPERTY DESCRIPTION (Address and/or lot and block number)
	<u>Paul Armah</u>	<u>5412 Maple Valley Drive</u>
<u>Larry Mouser</u>	<u>LARRY MOUSER</u>	<u>5411 Shed Dr. Jonesboro, Ga.</u>
<u>Paul R. Moore</u>	<u>Paul R. Moore</u>	<u>5408 Maple Valley Drive</u>
<u>Harold D. Seel</u>	<u>HAROLD D. SEEL</u>	<u>5513 S.W. Drive</u>
<u>Jonathan Fry</u>	<u>Jonathan Frye</u>	<u>2307 Jaybee Drive</u>
<u>Wiley H. Adams</u>	<u>WILEY H. ADAMS</u>	<u>2304 Jaybee Dr.</u>
<u>Ralston Chandler</u>	<u>Ralston Chandler</u>	<u>5414 Clearview Dr.</u>
<u>John Paul Thompson</u>	<u>John Paul Thompson</u>	<u>5417 Clearview Dr.</u>

ACKNOWLEDGEMENT AND VERIFICATION
(Please carefully read the verification statement before signing)

Metropolitan Area, Planning Commission
City of Jonesboro, Arkansas

I, Paul Armah, of 5412 Maple Valley Drive, being first duly sworn, under oath, depose Planning Commission of Jonesboro that I have read and examined the foregoing Petition, and the signatures and addresses placed on the Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Petition and own property within the statutory area of notification related to the area for which the C-4 rezoning is sought, and that to the best of my knowledge the signers of the Petition are owners of land located within the statutory area of notification for this C-4 rezoning application.

Paul Armah

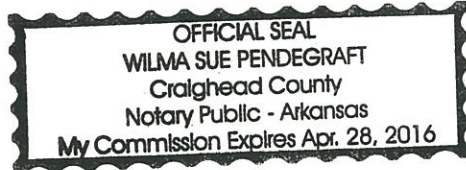
(signature)

Subscribed and sworn to me this 2 day of September, 2008, by
Paul Armah who is personally known to me to be the same person whose name is subscribed to in the foregoing instrument.

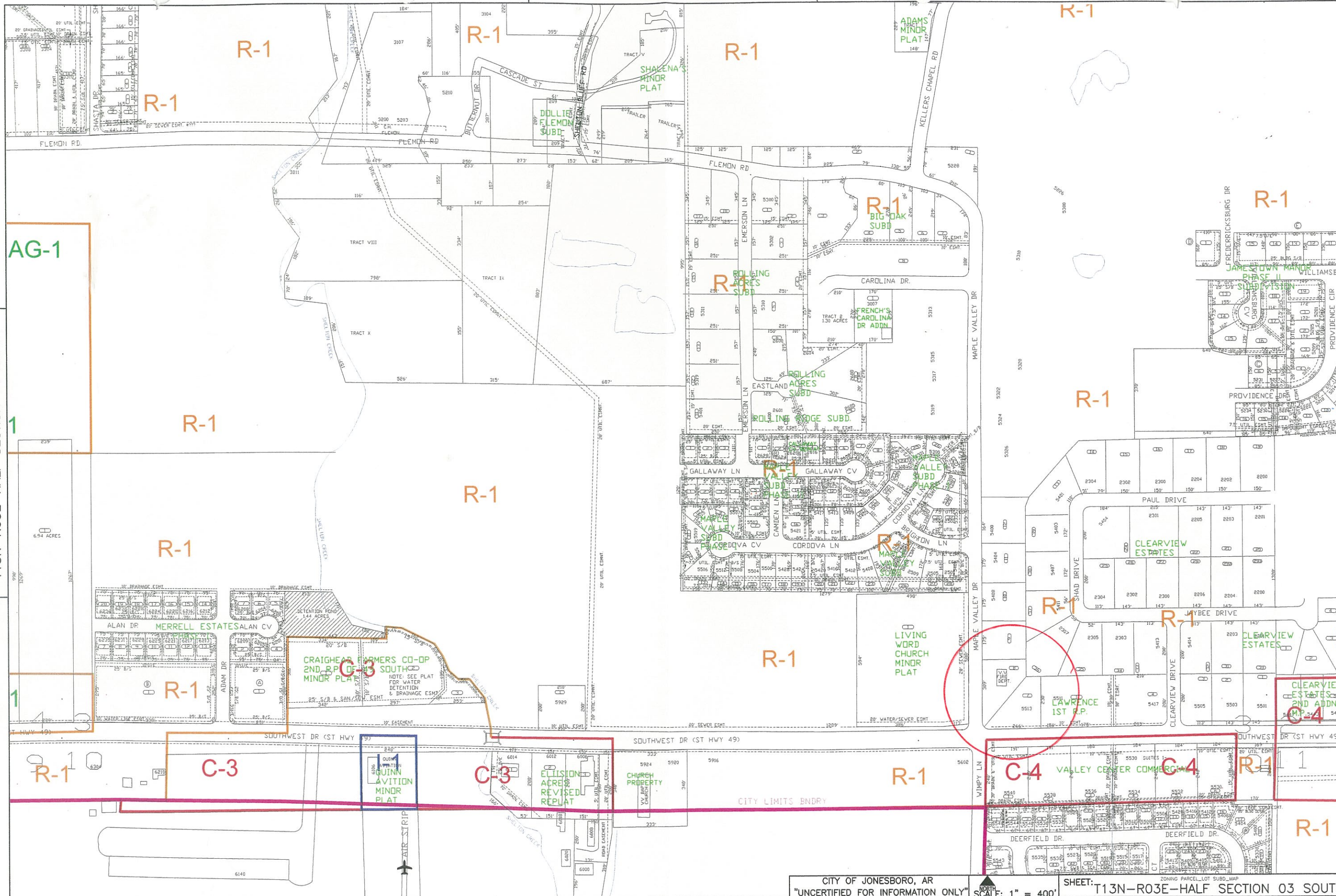
Wilma Sue Pendegraft

Notary Public

My Commission Expires: April 28, 2016



T14N-R03E-HALF SECTION 34 SOUTH



T13N-R03E-HALF SECTION 04 NORTH

T13N-R03E-HALF SECTION 02 NORTH

CITY OF JONESBORO, AR
 "UNCERTIFIED FOR INFORMATION ONLY" SCALE: 1" = 400'
 SHEET: T13N-R03E-HALF SECTION 03 SOUTH

T13N-R03E-HALF SECTION 10 NORTH