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January 12, 1994

Mayor Hubert Brodell
City of Jonesboro
City Hall
Jonesboro, AR 72401

Re: Jerry Craft Rezoning Matter

Dear Mayor Brodell:

As you know, I represent a group of people who are very much opposed to the attempts of Jerry Craft to rezone a portion of the Highland Forest Subdivision from R-1 to C-5.

The owner and developer of this property caused a zoning ordinance to be placed on the agenda for the December 1992 City Council meeting. At that time, the developer was represented by Attorney Dennis Zolper. Thereafter, the developer, through Attorney Jim Burton, requested that the matter be placed back on the agenda for the February 1993 meeting and I appeared along with the citizens that I represent and voiced our objections to the Council. The matter was put on first reading. Thereafter, Mr. Burton asked that the matter be placed on second reading on March 15, 1993, and at a special request of Mr. Burton, the matter was removed from the agenda on March 1, 1993, and no further action was taken thereon.

Thereafter, Mr. Burton, on behalf of the developers, caused a petition to be filed to vacate certain streets leading to this proposed commercial property and the public hearing was set for November 1, 1993. At the November 15, 1993, the City Council turned down the proposal to abandon two street easements going to this commercial property.

I have now received a telephone call from Donna Jackson advising me that the developer, Jerry Craft, through an attorney, Mike Everett, of Marked Tree, has requested

Page 2

that the rezoning ordinance be placed back on the January 17, 1994, agenda for consideration.

I am attaching hereto a copy of a written Objection which seeks to require the developer to go back before the MAPC before the matter is placed back on the City Council agenda for consideration.

By copy of this letter, I am forwarding copy of the Objection to each of the alderman, Donna Jackson and Brian Wadley.

Cordially yours,

MOONEY LAW FIRM

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CMMSr:sc
Encl.

cc: Mr. Ron Kelton
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Jonesboro, AR 72403

Mr. Cecil Province, Jr.
653 West Washington
Jonesboro, AR 72401

Mr. Fred Bowers
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502 East Washington
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Mr. Harold Perrin
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Mr. Gary Harpole
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Mr. Jim D. Hannah
Farmers Insurance Group
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Mr. Donald Mullenix
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Ms. Sharon Ingram
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Mr. Donnie Wise
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502 East Washington
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Mr. Grover Evans
1715 National Road
Jonesboro, AR 72401

Mr. Jerry D. Mays
3603 Viking
Jonesboro, AR 72401

✓ Ms. Donna Jackson
City Clerk
City Hall
Jonesboro, AR 72401

Mr. Brian Wadley
MAPC Planning
City Hall
Jonesboro, AR 72401

Mr. Bill Stroud
1900 MacArthur Park
Jonesboro, AR 72401

Mr. Mike Everett
Attorney at Law
412 Broadway
Marked Tree, AR 72365

OBJECTION TO PLACING REZONING MATTER ON
AGENDA FOR CONSIDERATION BY JONESBORO CITY COUNCIL

The undersigned, as attorney for a number of concerned citizens in the Highland Forest Subdivision area, hereby objects to the rezoning ordinance for a portion of Highland Forest Subdivision being placed on the agenda for further consideration by the Jonesboro City Council for the following reasons:

1. The recommendation from the Planning Commission to the City Council for this rezoning was made in the year 1992 and this matter was first presented to the Jonesboro City Council in 1992 and has been withdrawn from consideration on several occasions.

2. There has been a material change in the growth of the City since the entry of the recommendation by the Metropolitan Area Planning Commission and the developers should be required to refile their application before the Metropolitan Area Planning Commission and obtain current approval for such rezoning.

3. To permit a developer to call matters up at his convenience is an unwarranted perversion of the process. If the developer is permitted to call the matter back up for consideration by placing the same on the agenda, he would have successfully and unfairly controlled the process. The objectors to this rezoning have had to keep

an attorney on payroll since December 1992 and continually watchdog the agenda of the City Council over a period in excess of a year. It is not fair that a developer could manipulate the system in this way. When he determines that there is severe opposition against his proposal, simply remove it and wait until the opposition either disbands or dies, is unfair and unwarranted.

4. The Metropolitan Area Planning Commission should have an opportunity to review this matter completely, particularly in light of the action of the City Council denying the developer's petition to close and abandon two street easements across the subject property. The recommendation of the Metropolitan Area Planning Commission that this property be rezoned was with the strict stipulation that the subject streets would be closed.

5. The recommendation of rezoning was a split decision of the Metropolitan Area Planning Commission and the recommendation was made only with the provision that the streets to the property be abandoned. A copy of the minutes of the Planning Commission are attached hereto a made a part hereof as though set out herein line for line.

WHEREFORE, your petitioners pray that the request that this matter be placed back on the City Council agenda be denied and that the City Council take no

Page 3

further action on the matter until the same has been reviewed by the Metropolitan Area Planning Commission.

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By Charles M. Mooney, Sr.
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