



Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: _____
Case Number: _____

LOCATION:

Site Address: 3701 E. Johnson Avenue, Jonesboro, AR

Side of Street: S between 3605 E. Johnson Ave. and 3705 E. Johnson Ave.

Quarter: NW Section: 10 Township: 14 Range: 4

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: C-3 LUO Proposed Zoning: C-3 LUO (w/additional uses)

Size of site (square feet and acres): 1.61 acres Street frontage (feet): 235.57

Existing Use of the Site: Vacant property, currently zoned C-3 LUO

Character and adequacy of adjoining streets: Johnson Avenue (Highway 49)

Does public water serve the site? Yes

If not, how would water service be provided? _____

Does public sanitary sewer serve the site? Yes

if not, how would sewer service be provided? _____

Use of adjoining properties:

North Johnson Avenue (Highway 49)

South R-1 Residential

East North half C-3 LUO; South half R-1

West C-3 (Bill's Fresh Market)

Physical characteristics of the site: 1.61 acres, 3, 816 sq. ft. vacant house near middle of tract

Characteristics of the neighborhood: All surrounding property adjoining Johnson avenue is zoned commercially. Some R-1 zoned property to south and east.

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?
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary?
- (3). If rezoned, how would the property be developed and used?
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*?
- (6). How would the proposed rezoning be the public interest and benefit the community?
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?
- (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.
- (10). How long has the property remained 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?
- (12). If the rezoning is approved, when would development or redevelopment begin?
- (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.

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.

Applicant:

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

Attorney of record for Grayson Investments

Name: Grayson Investments
 Address: 1203 Dove Road
 City, State: Jonesboro, AR ZIP 72401
 Telephone: 870-761-4000
 Facsimile: _____
 Signature: [Signature]

Name: Jim Lyons
 Address: P.O. Box 7044
 City, State: Jonesboro, AR ZIP 72403
 Telephone: (870) 972-5440
 Facsimile: (870) 972-1270
 Signature: [Signature]

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

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APPLICATION
FOR A
ZONING ORDINANCE MAP AMENDMENT

Rezoning information:

- (1) How was the property zoned when the current owner purchased it?**

Commercial, C-3 LUO.

- (2) What is the purpose of the proposed rezoning? Why is the rezoning necessary?**

The purpose of the rezoning is to allow the owner of the property to improve the property and allow for additional commercial development. The change in the limited uses for the property are necessary for it to be developed in accordance with its highest and best use, given the change in the amount of traffic and other development along Highway 49.

- (3) If rezoned, how would the property be developed and used?**

The property would be developed in a commercial nature, similarly to the property immediately East and West of the proposed site. Access to and from the property will be directly off of Johnson Avenue (Highway 49). There will be no access to the residential neighborhood bordering the southeast side of the property.

- (4) What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?**

Commercial buildings would have roughly a 1.6 acre lot to work with, which would allow for a structure and necessary parking and permanent buffer area.

- (5) Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?**

Since the zoning classification is not changing, only the number of uses, the proposed rezoning is consistent with the Jonesboro Comprehensive Plan, Vision 2030, and the Future Use Plan. The surrounding property with frontage to Highway 49 is zoned C-3 or C-3 LUO. The additional uses requested under the C-3 LUO for this property are consistent with uses of the surrounding properties with frontage to the main arterial road.

- (6) How would the proposed rezoning be in the public interest and benefit the community?**

The subject property would be put to its highest and best use. With the proposed change in available uses the property would be developed and improved, allowing for continued progression of the use of this property near the new hospital. The community would also benefit through the increase in taxes collected from the property.

(7) How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?

The subject property is located in an area which is increasingly becoming highly commercial. Immediately North of the subject property is a major highway (Highway # 49) with ever increasing traffic. Commercial and business uses exist directly to the West of the property, as well as to the East.

(8) Are there substantial reasons why the property cannot be used in accordance with existing zoning?

Yes. The present zoning of the property, with its very limited uses, does not allow for the development of the property in accordance with its highest and best use. Nor is this property being used in a manner which is consistent with the surrounding property and the amount of traffic on Highway 49.

(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.

The proposed changes should not affect anything in the area. The property is already zoned C-3 LUO, we are simply asking for additional uses under the C-3 LUO. To prevent any adverse effects whatsoever, the existing buffer will be maintained.

(10) How long has the property remained vacant?

The property was purchased by the current owner in July of 2008, was vacant at such time, and has since remained 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?

As commercial development has already begun in the surrounding area, there should not be any adverse effect on utilities, streets, or any other service in the area. Fire, police, and medical services will not be hindered by including the requested additional uses.

(12) If the rezoning is approved, when would development or redevelopment begin?

We are unsure as to the specific date, however it would likely be soon after the change in requested limited uses..

- (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.**

The neighbor, immediately due South of the property, will oppose any changes to the available uses of the property. Also, all property surrounding the subject tract, with frontage on Highway 49, is zoned C-3 or C-3 LUO and these property owners will not object.

- (14) **If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.**

The property is currently zoned C-3 LUO, therefore the following uses are being requested:

- a. Animal care, general
- b. Animal care, limited
- c. Auditorium or stadium
- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- h. Communication tower
- i. Construction sales and service
- j. Convenience store
- k. Day care, limited
- l. Day care, general
- m. Funeral home
- n. Government service
- o. Hospital
- p. Hotel or motel
- q. Indoor firing range
- r. Library
- s. Medical service/office
- t. Nursing home
- u. Office, general
- v. Parking lot, commercial
- w. Parks and recreation
- x. Post office
- y. Recreation/entertainment, indoor
- z. Recreation/entertainment outdoor
- aa. Recreational vehicle park
- bb. Restaurant, fast food
- cc. Restaurant, general

- dd. Retail/service
- ee. Safety services
- ff. Vehicle and equipment sales
- gg. Vehicle repair, general
- hh. Vehicle repair, limited
- ii. Warehouse, residential (mini) storage
- jj. Vehicular and equipment storage yard
- kk. All other previously approved uses

Type of Instrument: Warranty Deed
Grantor: Myrna Gillespie
Grantee: Grayson Investments, LLC

This Instrument Prepared By:

Mixon Parker & Hurst PLC
Attorneys at Law
505 Union
Jonesboro, Arkansas 72401
At the request and on behalf of
Professional Title Services of Arkansas, LLC

After Recording Return to:

Professional Title Services of Arkansas, LLC
906 A Southwest Drive
Jonesboro, Arkansas 72401

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Myrna Gillespie, a single person, surviving spouse of W.L. Gillespie, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by Grayson Investments, LLC, Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Grantee, and unto Its successors and assigns forever, the following described real property situated in Craighead County, Arkansas, to wit:

Part of the Southeast Quarter of the Northwest Quarter of Section 10, Township 14 North, Range 4 East, more particularly described as follows: Begin at the center of Section 10, Township 14 North, Range 4 East; thence West on the Quarter Section Line 996.1 feet; thence North 330.1 feet to the point of beginning proper; thence East 200 feet; thence North 410.6 feet to the South right of way line of State Highway #1; thence South 57 degrees 57' West along said right of way line 233.8 feet; thence South 287.5 feet to the point of beginning proper, and subject to all public and private roads and easements.

Subject to all matters of record or fact.

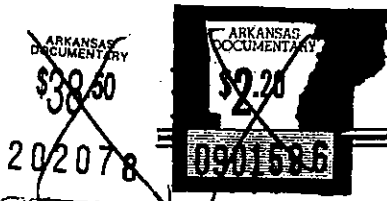
Said property believed to have a physical address of 3701 E. Johnson, Jonesboro, Arkansas.

TO HAVE AND TO HOLD said property unto the said Grantee, and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments hereunto belonging. And Grantor hereby covenants with the said Grantee that Grantor will forever warrant and defend the title to said lands against all claims whatsoever.

And Grantor, for and in consideration of the said sum of money, does hereby release and relinquish unto the said Grantee, all my right of dower and curtesy and homestead in and to the said lands.

WITNESS my hand and seal this 2 day of July, 2008.

Myrna Gillespie
Myrna Gillespie



ACKNOWLEDGMENT

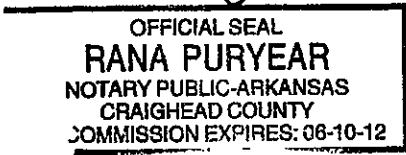
STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned, a Notary Public, (or before any officer within this State or without the State now qualified under existing law to take acknowledgments), duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **Myrna Gillespie**, to me personally well known, stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 2 day of July, 2008.

Rana Puryear
Notary Public

My Commission Expires:



AMOUNT OF TAX \$920.70
I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Graegene Investments LLC
Grantee or Grantee's Agent

Grantee's Address:
PO BOX 496
Jonesboro, AR 72403

DEED BK 777 PG 388 - 389
DATE 07/03/2008
TIME 03:02:07 PM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
Ann Hudson, D.C.
RECEIPT# 177643