



*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:**

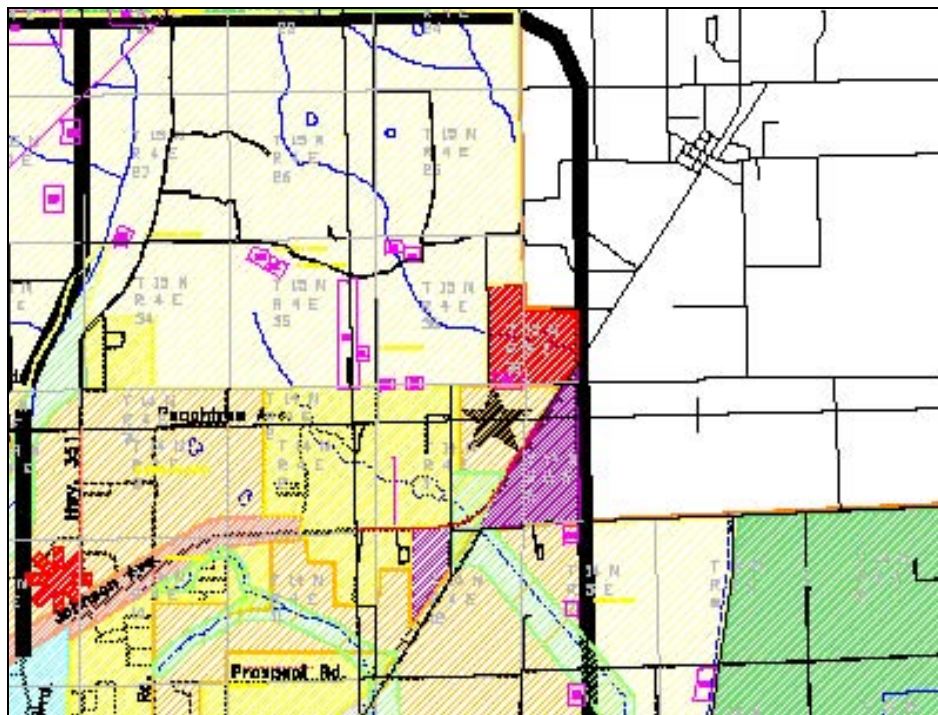
The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (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;

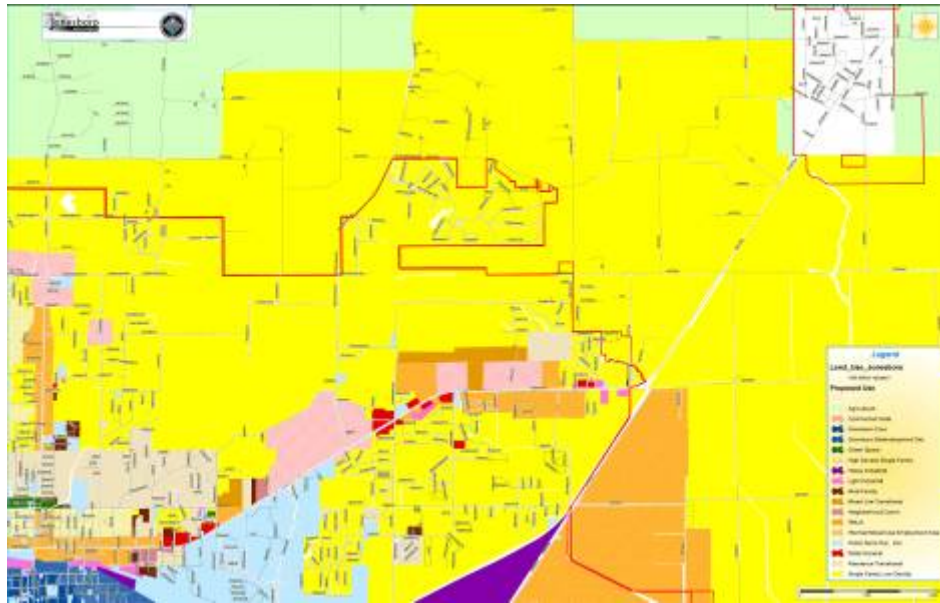
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected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



2010 Land Use Plan

**MASTER STREET PLAN/TRANSPORTATION**

The Jonesboro Master Street Plan adopted on January 5, 2010 shows Highway 49N to be a Principal Arterial, and Clinton School Road/CR 701 is a Collector Road. The annexation/rezoning plat delineates both Tracts with boundaries following the centerline of Clinton School Road, which would make one-half of the street right-of-way within the City and the other half in the County. The proposed right of way for Clinton School Road (CR701), a Collector Road is 80 ft. Improvements are necessary along CR701, which provides access to the West of the site; Highway 49N as a Principal Arterial currently has a right of way at 90 ft. to the centerline.

In pre-meetings with the Craighead County Fair Association representatives, City Administration has been made aware that a traffic analysis based on the proposed uses is underway by Peters & Associates. This will address some of the concerns that have been expressed concerning safety egress and ingress to the site. Coordination with the Arkansas Highway Department of Transportation will be required regarding the alignment of the new access/main entrance to the site to be cut along the Highway 49 frontage which will access the main parking areas. Service and vendors’ access will occur from the western entry drive which will be gated and manned for traffic management.



## **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. 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.

**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. 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.* **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 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, 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.

**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. We 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

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.

**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.

**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

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. The 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 be 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.



**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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**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.

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.

**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.

**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Annexation/Zone Change submitted by Rex Gilbert, Connie Gilbert, Philip T. Hudson, Robert F. McCall, and Sandra McCall should be evaluated based on the above observations and criteria, of Case RZ11-08/AZ-11-01, a request to annex the subject property into the City limits as **RS-5 Single Family & C-3 General Commercial**, and is recommended for approval to the City Council with the stipulation that a future site be submitted and reviewed by the MAPC prior to any future redevelopment of the 78.66 acres.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

## SITE PHOTOGRAPHS



*View looking West Towards Windsor Landing Subdivision ( SW of Site)*



*View looking North along Clinton School Rd. (CR701)*



*View looking South along Clinton School Rd.(South of Subject Property)*



*View looking Northeast along unimproved CR701.*



*View looking South along unimproved CR701 (Site to left)*



*View looking Northeast along Hwy 49N*



*View Looking Southwest along 49N, Commercial Uses in the County*



*View looking North-West towards project site*



*View looking Southwest towards Commercial fronting on Hwy. 49N*



*View looking Westerly towards Hwy. 49N (site in background)*



*View looking Westerly towards Hwy. 49N (site in background)*



*View looking Westerly towards Hwy. 49N (site in background)*





*View looking Westerly towards Windsor Landing Subdivision (Clinton School Rd.)*



*View looking west towards single family lot (Tract 2) 2.03 acres*



*View looking at home immediately south of Tract 1*



*View looking at home immediately south of Tract 1*