



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, February 3, 2015

5:30 PM

Municipal Center

PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

Council Chambers, Municipal Center

PUBLIC SAFETY SPECIAL CALLED MEETING AT 5:15 P.M.

Council Chambers, Municipal Center

FINANCE COMMITTEE SPECIAL CALLED MEETING AT 5:20 P.M.

Council Chambers, Municipal Center

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.

MIN-15:011 Minutes for the City Council meeting on January 20, 2015

Attachments: [Minutes](#)

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-15:004 AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-7 AND FROM R-1 TO RM-8 FOR PROPERTY LOCATED AT 1621 NORTH PATRICK STREET AS REQUESTED BY DENVER DUDLEY

Attachments: [Plat](#)
[MAPC Report](#)

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-15:001 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5200 EAST JOHNSON AS REQUESTED BY JASON MARSHALL & FIRST ASSEMBLY OF GOD

Attachments: [Plat](#)
[MAPC Report](#)

Legislative History

1/20/15 City Council Waived Second Reading

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. ADJOURNMENT



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-15:011 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 1/22/2015 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on January 20, 2015
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the City Council meeting on January 20, 2015



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, January 20, 2015

5:30 PM

Municipal Center

NOMINATING & RULES COMMITTEE MEETING AT 5:15 P.M.

1. CALL TO ORDER AT 5:30 P.M.

In the absence of Mayor Perrin, President Pro Temp Chris Moore presided over the meeting.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Charles Coleman

Absent 2 - Mitch Johnson and Todd Burton

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman John Street, seconded by Councilman Tim McCall, to Approve the Consent Agenda. The motioned PASSED

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

[MIN-15:001](#)

Minutes for the special called City Council meeting on December 29, 2014

Attachments: [Minutes](#)

This item was **PASSED** on the consent agenda.

[MIN-15:004](#)

Minutes for the City Council meeting on January 6, 2015

Attachments: [Minutes](#)

This item was **PASSED** on the consent agenda.

[RES-14:224](#) A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO CONTINUE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR FOR THE OPERATION AND MAINTENANCE OF TWO STREAMGAGES IN JONESBORO

Sponsors: Engineering

Attachments: [Agreement](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-010-2015

[RES-14:226](#) A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH SHELBY RAILROAD SERVICE, INC. FOR THE INDUSTRIAL RAIL LEAD MAINTENANCE CONTRACT - JOB NO. 2014:36

Sponsors: Engineering

Attachments: [Contract Documents 2014 36](#)
[Bid Tab](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-011-2015

[RES-14:227](#) A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM PHILLIPS INVESTMENTS & CONSTRUCTION, INC., FOR ROADWAY IMPROVEMENTS

Sponsors: Engineering

Attachments: [Dedication Deed](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-012-2015

[RES-14:232](#) A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF JONESBORO TO UTILIZE FY 2014 TIGER VI DISCRETIONARY GRANT FUNDING FOR THE FOLLOWING PROJECT: RAILROAD CORRIDOR HIGHWAY CROSSING PLAN

Sponsors: Engineering

Attachments: [Agreement](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-013-2015

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-15:001

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5200 EAST JOHNSON AS REQUESTED BY JASON MARSHALL & FIRST ASSEMBLY OF GOD

Attachments: [Plat](#)
 [MAPC Report](#)

Councilman Gibson offered the ordinance for first reading by title only.

Councilman Street asked if this is near NEA Hospital. City Planner Otis Spriggs answered yes and there have been no objections to this rezoning.

A motion was made by Councilman John Street, seconded by Councilman Darrel Dover, to Waive the Second Reading . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

RESOLUTIONS TO BE INTRODUCED

RES-14:105

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS: to condemn property at 129 N Bridge St, Owner: Patricia A Williams

Sponsors: Code Enforcement

Attachments: [Inspection Report 129](#)
 [County Data 129 Bridge](#)
 [129 N Bridge Comcate](#)

A motion was made by Councilman Chris Gibson, seconded by Councilman Tim McCall, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

Enactment No: R-EN-014-2015

RES-14:222

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn 2800 Carriage Dr. (Burnt house on same Parcel) Owner: Zachary and Stacy L (Vance) Kirksey

Sponsors: Code Enforcement

Attachments: [County Data 2800 Carriage](#)
 [Inspection Report](#)
 [2800 Carriage Old Burnt House](#)

Code Enforcement Officer Ronnie Shaver explained the property has been sold and was closed on Friday. He noted the property has been cleaned up and everything looks great. He stated he sees no reason to move forward with the condemnation of this property.

No action was taken on this item.

RES-14:223

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at: 6701 E Highland Dr. Owners: Keith & Leigh Ann Palmer

Sponsors: Code Enforcement

Attachments: [County Data 6701 E Highland](#)
[Inspection Report](#)
[6701 E Highland](#)

A motion was made by Councilman Chris Gibson, seconded by Councilman Charles Coleman, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

Enactment No: R-EN-015-2015

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-14:073

AN ORDINANCE TO VACATE AND ABANDON THAT PART OF AN UNDEVELOPED STREET RIGHT OF WAY IN AN UNDEVELOPED PORTION OF RUBENS ROAD AS REQUESTED BY DAVID COOK

Attachments: [Plat](#)
[Utility Letters](#)
[Petition](#)
[Planning & Engineering Letter](#)

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

Enactment No: O-EN-001-2015

ORD-14:076

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-1 FOR PROPERTY LOCATED AT 5455 EAST NETTLETON AS REQUESTED BY CLARA BLALOCK

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Street asked if there has been any opposition since the last meeting. Mr. Spriggs answered no.

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

Enactment No: O-EN-002-2015

8. MAYOR'S REPORTS

COM-15:004

Jonesboro Airport Commission financial statements for twelve months ended December 31, 2014

Sponsors: Municipal Airport Commission

Attachments: [Financial statements](#)

This item was Filed.

9. CITY COUNCIL REPORTS

Councilman McCall asked for an update concerning the safety railings project along a ditch on Old Paragould Highway. Chief Operations Officer LM Duncan explained they are getting prices for the project.

10. PUBLIC COMMENTS

11. ADJOURNMENT

A motion was made by Councilman Chris Gibson, seconded by Councilman Rennell Woods, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Charles Coleman

Absent: 2 - Mitch Johnson and Todd Burton

_____ Date: _____

Harold Perrin, Mayor

Attest:

_____ Date: _____

Donna Jackson, City Clerk



Legislation Details (With Text)

File #: ORD-15:004 **Version:** 1 **Name:** Rezoning at 1621 North Patrick Street
Type: Ordinance **Status:** First Reading
File created: 1/29/2015 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-7 AND FROM R-1 TO RM-8 FOR PROPERTY LOCATED AT 1621 NORTH PATRICK STREET AS REQUESTED BY DENVER DUDLEY
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES.

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION I. Chapter 117, Article III, known as the Zoning Ordinance of the City of Jonesboro, Arkansas be amended as recommended by the Metropolitan Area Planning Commission by the changes in zoning classification as follows:

TRACT 1: From R-1, Single-Family Medium Density District to RS-7, Single Family Residence District, per attached plat, and

TRACT 2: From R-1, Single-Family Medium Density District to RM-8 Residential Multi-Family District, per attached plat, that land described as follows:

LEGAL DESCRIPTION - TRACT 1

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°54'53" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, 439.38 FEET: THENCE SOUTH 89°23'57" WEST, LEAVING SAID EAST LINE, 1,273.28 FEET: THENCE NORTH 00°54'53" EAST, 439.38 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7: THENCE NORTH 89°23'57" EAST, ALONG SAID NORTH LINE, 1,273.28 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 559,258 SQ. FT. OR 12.84 ACRES, MORE OR LESS, SUBJECT TO PARTICK STREET RIGHT-OF-WAY ALONG THE EAST LINE THEREOF, SUBJECT TO EASEMENTS,

RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

LEGAL DESCRIPTION - TRACT 2

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°54'53" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, 439.38 FEET TO THE POINT OF BEGINNING PROPER: THENCE CONTINUE SOUTH 00°54'53" WEST, ALONG SAID EAST LINE, 439.38 FEET: THENCE SOUTH 89°23'57" WEST, LEAVING SAID EAST LINE, 1,273.28 FEET: THENCE NORTH 00°54'53" EAST, 439.38 FEET: THENCE NORTH 89°23'57" EAST, 1,273.28 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING IN ALL 559,258 SQ. FT. OR 12.84 ACRES, MORE OR LESS, SUBJECT TO PARTICK STREET RIGHT-OF-WAY ALONG THE EAST LINE THEREOF, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD. SECTION II: The requested rezoning classification is further restricted as follows:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual and Floodplain Regulations.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC prior to any development/phase of the subject property.
3. The applicant/successors agree to comply with the Master Street Plan recommendations for Daybreak Drive and North Patrick Street upon any future redevelopment of the site. The property shall be redeveloped under the RS-7 and RM-8 District standards: Maximum 40 single family homes (families or doors), and a maximum of 50 attached single family/duplex style units (families or doors).
4. The owner agrees to perform agreed upon street right-of-way improvements including sidewalks for pedestrian safety along property frontage.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: The City Clerk is hereby directed to amend the official zoning district boundary map of the City of Jonesboro, Arkansas, insofar as it relates to the lands described hereinabove so that the zoning classification of said lands shall be in accordance with the provisions of this ordinance.

DESCRIPTION - TRACT 1

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, JOHNSBORO, CRANEHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, JOHNSBORO, CRANEHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°23'51" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1, 1273.28 FEET; THENCE SOUTH 89°23'51" WEST, LEAVING SAID EAST LINE, 1273.28 FEET; THENCE NORTH 00°54'53" EAST, 439.38 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1, THENCE NORTH 89°23'51" EAST, ALONG SAID NORTH LINE, 1273.28 FEET TO THE POINT OF BEGINNING.

CONTAINS IN ALL 89,238 SQ. FT. OR 2.04 ACRES, MORE OR LESS, SUBJECT TO PATRICK STREET RIGHT-OF-WAY ALONG THE EAST SIDE THEREOF.
 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

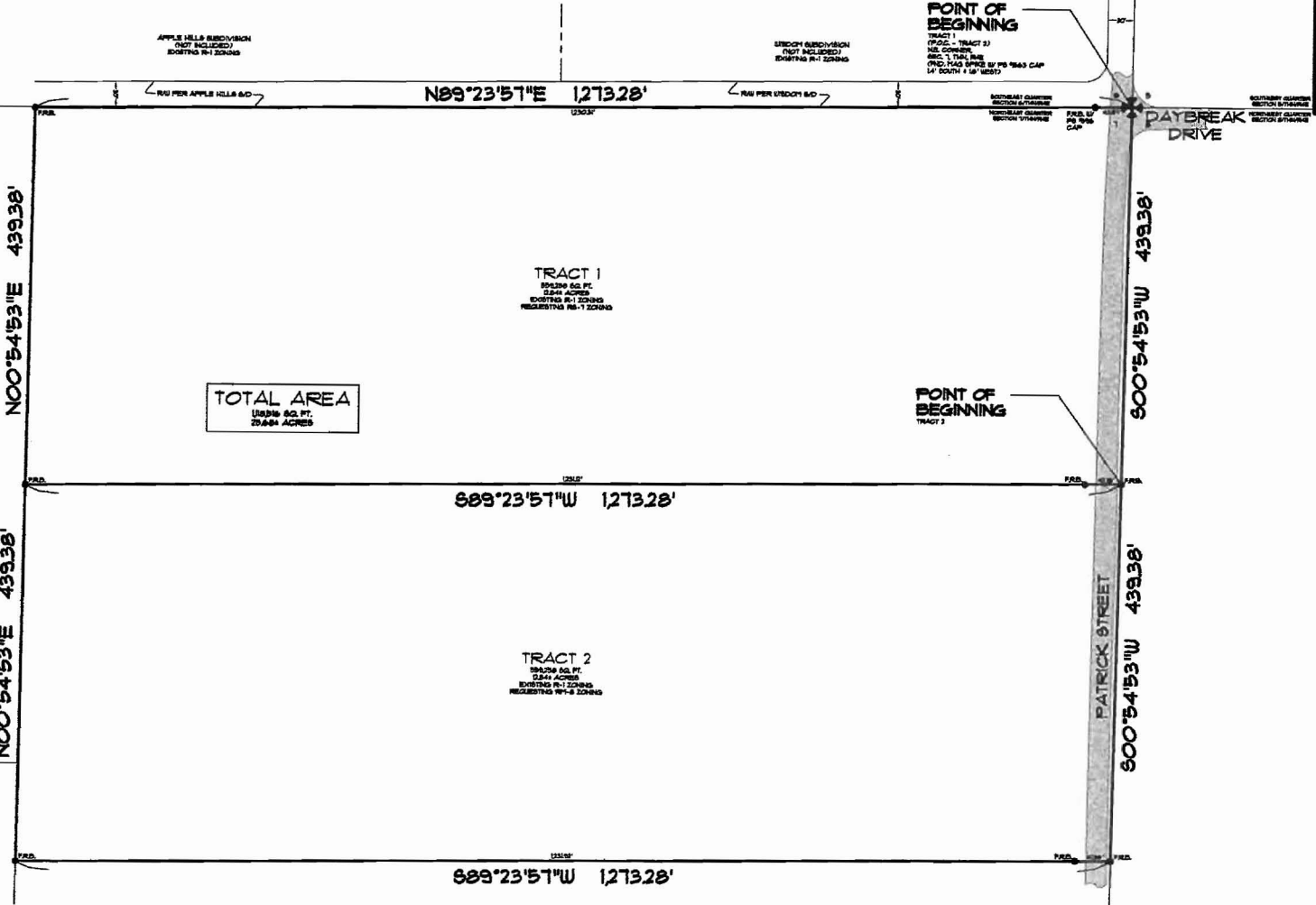
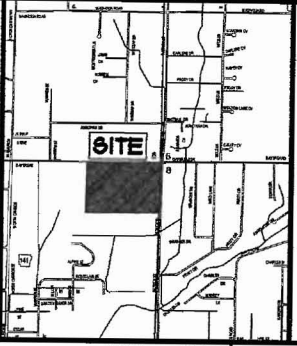
DESCRIPTION - TRACT 2

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, JOHNSBORO, CRANEHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, JOHNSBORO, CRANEHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°23'51" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1, 1273.28 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 00°23'51" WEST, ALONG SAID EAST LINE, 1273.28 FEET; THENCE SOUTH 89°23'51" WEST, LEAVING SAID EAST LINE, 1273.28 FEET; THENCE NORTH 00°54'53" EAST, 439.38 FEET; THENCE NORTH 89°23'51" WEST, 1273.28 FEET TO THE POINT OF BEGINNING PROPER.

CONTAINS IN ALL 89,238 SQ. FT. OR 2.04 ACRES, MORE OR LESS, SUBJECT TO PATRICK STREET RIGHT-OF-WAY ALONG THE EAST SIDE THEREOF.
 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S NOTES

- THIS REZONING REQUEST WAS PREPARED FOR GAYLE GAYBELL, BONNIE GOAD.
- NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
- SUBJECT PROPERTY IS CURRENTLY ZONED R-1 WITH A REQUEST FOR R-1 AND R-1-S ZONING AS NOTED.
- THE FOLLOWING DOCUMENTS WERE USED TO PREPARE THIS SURVEY:
 A. PLAN OF SURVEY FOR RANDY WELLET BY JASON BRANCH, DATED SEPTEMBER 26, 2006.
 B. TRACTS 1 AND 2 TO GAYLE GAYBELL, RECORDED IN DEED BOOK 862, PAGES 10-18 AT JOHNSBORO, ARKANSAS.
 C. TRACTS 1 AND 2 TO BONNIE GOAD, RECORDED IN DEED BOOK 862, PAGES 27-34 AT JOHNSBORO, ARKANSAS.



LEGEND

- BOUNDARY LINE
- ADJACENT LOT LINE
- BASEMENT LINE
- P.O.B.
- ROAD WHEEL - PG 1843 CAP

OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY AS DESCRIBED HEREON AND THAT I REQUEST THE CHANGE IN ZONING AS NOTED.

 GAYLE GAYBELL, OWNER

 BONNIE GOAD, OWNER

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT ASSOCIATED ENGINEERS AND TESTING, LLC HAS THE DATE THIS A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ABOVE GROUND SURVEY MARKS THAT ARE SINKING OR RELATED THEREON, AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS HIGHEST STANDARDS FOR PROPERTY SURVEYS AND PLATS IN EFFECT ON THE DATE.

DATE OF BOUNDARY SURVEY: 08/08/2016

Professional Engineer & Surveyor
 GAYLE GAYBELL
 NO. 28
 PROFESSIONAL ENGINEER & SURVEYOR
 ARKANSAS

NOTE: TO BE VALID, COMES MUST HAVE ORIGINAL SIGNATURE AND IDENTIFICATION.

ASSOCIATED ENGINEERS AND TESTING, LLC
 CIVIL, ENGINEERING AND LAND SURVEYING SERVICES
 103 SOUTH CHURCH STREET - P.O. BOX 1443 - JOHNSBORO, AR 72403
 PH: 870-933-2994 FAX: 870-933-2943

REZONING PLAT
 SOUTHWEST CORNER OF
 PATRICK ST. & DAYBREAK DR.
 JOHNSBORO, ARKANSAS

38481 221 080825 116 01678 8887
 SCALE: 1" = 60' (200' FILE 800-0-0) DATE: 08/08/2016
 REV. DATE: _____ REVISION: _____ DRAWN: _____ CHECK: _____

TRACT 3
 0.84 ACRES
 (NOT INCLUDED)
 EXISTING R-1 ZONING

TRACT 4
 0.84 ACRES
 (NOT INCLUDED)
 EXISTING R-1 ZONING

TRACT 5
 0.84 ACRES
 (NOT INCLUDED)
 EXISTING R-1 ZONING



City of Jonesboro City Council
Staff Report – RZ 15-01 North Patrick/Daybreak Dr. Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on Tuesday, February 3, 2015

REQUEST: To consider a rezoning of the land containing 25.68 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from “R-1” Single Family Residential District to “RS-7” (12.8 acres), RM-8 (12.88 acres), for single family detached and attach S.F. homes for elderly, by the MAPC.

**APPLICANTS/
OWNER:** Denver Dudley, 2704 S. Culberhouse, Suite A, Jonesboro Ar 72401

LOCATION: 1621 N. Patrick St., Jonesboro, AR 72401

**SITE
DESCRIPTION:** **Tract Size:** Approx. 25.68 (+/-) Acres (Approx. 1,118,516 sq. ft.)
Street Frontage: 878.76 ft. on N. Patrick St. at intersection with Daybreak Dr.
Topography: Patrick Street: Paved/asphalt 2-lane road
Existing Development: R-1 Vacant Undeveloped land

SURROUNDING	<u>ZONE</u>	<u>LAND USE</u>
CONDITIONS:	North: R-1	Vacant Undeveloped Land
	South: R-1	Vacant Undeveloped Land
	East: R-1	Vacant Undeveloped Land
	West: R-1	Vacant Undeveloped Land

HISTORY: Vacant undeveloped Land

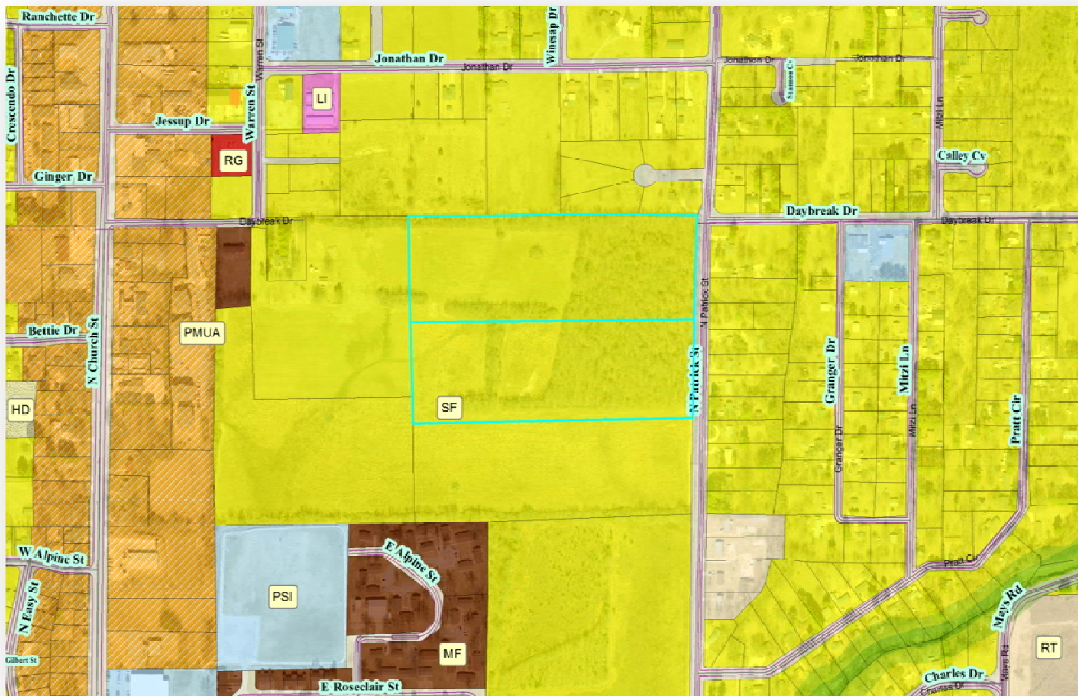
ZONING ANALYSIS

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

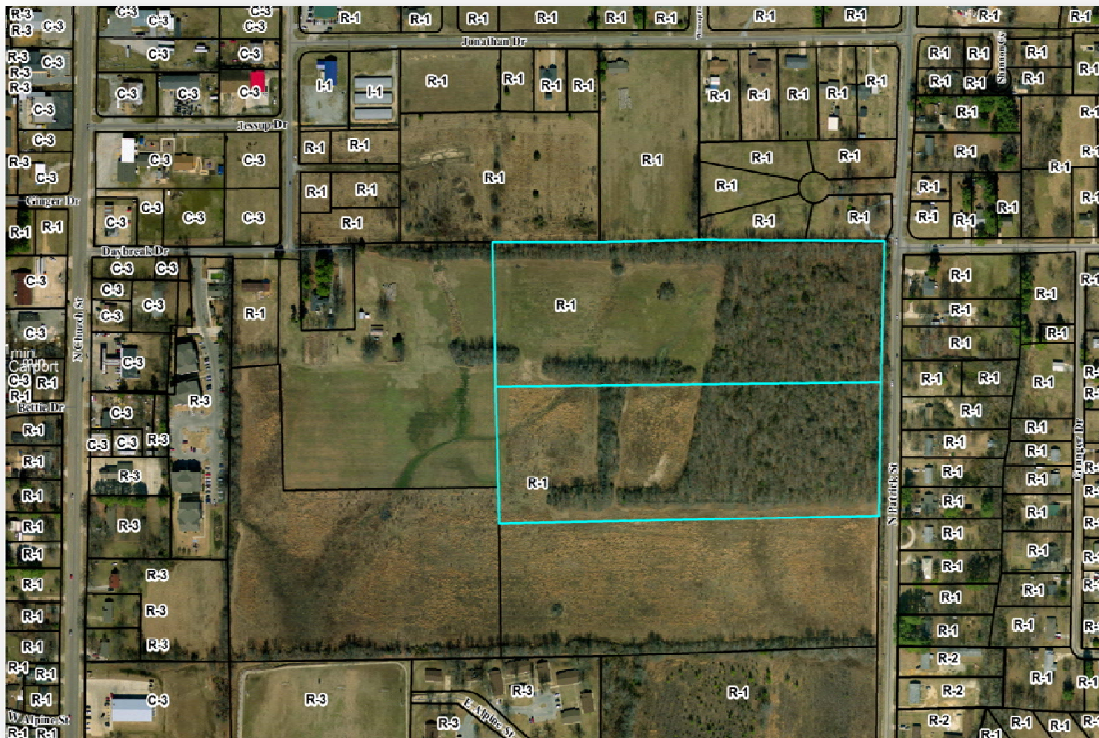
COMPREHENSIVE PLAN FUTURE LAND USE MAP

The currently adopted Land Use Plan recommends the current site as Single Family Residential. Consistency is partially achieved and partially not with the proposed development. Land to the West and South accommodates multi-family dwellings.

Site



Adopted Future Land Use Map










Vicinity/Zoning Map

Master Street Plan/Transportation

The subject property is served by Patrick Street on the Master Street plan, which is classified as a collector road, which requires a 40 ft. right-of-way to road centerline (80 ft. total right-of-way). The property also fronts on Daybreak on the north, which is a minor arterial street requiring a 50 ft. right-of-way to road centerline per the Master Street Plan. Compliance with the Master Street Plan shall be required.

Approval Criteria- Chapter 117 - Amendments:

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

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed RS-7 District rezoning is consistent with the Adopted Land Use Plan, which is categorized as Single Family Residential. The RM-8 district although not consistent as a whole development falls in line from a definition standpoint of “Multi-family”, because a duplex is not considered multi-family by definition. The applicant’s intent is to provide a small amount of “Attached Single Family” for elderly in need of affordable housing.	 
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal achieves consistency with the purpose of Chapter 117, as a Limited Use Overlay. The applicant proposes on the Single Family Homes (40): 7 units per acre. On the RM-8, they propose 8 units per acre as duplexes (25).	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. A similar development exists further south, which promotes affordable, low income housing and elderly housing.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Suitability is not an issue if development controls are in place to promote good property access and property management.	
(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;	The applicant has stated that there would be no negative impact on nearby property. The impact on odor, noise light, vibration would be very minimal since it is a continuation of adjacent site’s zoning. Pedestrian safety access is a major issue and this challenge and should be addressed by the applicant.	
(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	The property is vacant land that has never been developed.	
(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	Minimal impacts, utilities are present in surrounding area. The applicant has proposed a plan to include open space and child play area. North Patrick has existing safety and traffic issues.	

Staff Findings:

Applicant’s Purpose:

The applicant hopes to accommodate new development and construction of Single-Family Elderly Housing needed in the area. These units would provide housing opportunities for low-income and elderly individuals. Proposed are 7 units per acre (duplex), lot size is 13,270 square feet.

Using the density calculation, the property could average 89 single family homes and 102 attached single family/duplex style units. After discussing ultimate density levels with the developer, the maximum units has been agree upon at a rate of: Maximum 40 single family homes (families or doors), and a maximum of 25 attached single family/duplex style units (50 families or doors).

Traffic, due to this project, would be comparable with residential development and should have minimal impact on these services.

ZONING CODE ANALYSIS:

The applicant has requested a change to the RS-7 Single-family residential district; minimum 6,222 sq. ft. lot required (7 single units per acre); and, RM-8, low density multifamily residential classification at eight units per net acre.

<i>Zoning Classification</i>	<i>Minimum Lot Width (in feet)</i>	<i>Minimum Lot Area</i>	<i>Front Setback (in feet)</i>	<i>Rear Setback (In feet)</i>	<i>Side Setback (in feet)</i>
RS-7	50	6,222 s.f. per single family	20	20	7.5 each
RM-4	50	10,890s.f. per dwelling unit	20	15	7.5 each
RM-6	60	7,260s.f. per dwelling unit	20	15	10.0 each
RM-8	70	5,445s.f. per dwelling unit	25	20	10.0
RM-12	80	3,630s.f. per dwelling unit	25	20	15.0
RM-16	80	2,722s.f. per dwelling unit	25	20	15.0

Record of Proceedings: MAPC Public hearing held on January 27, 2015

Applicant: Mr. John Easley, Associated Engineering, appeared before the Commission representing the owner, Bonnie Goad. Mr. Easley stated that they are asking for a rezoning for 2 tracts of land: North Tract as “RS-7”, Single Family Homes (for 12.8 acres); South Tract to “RM-8” (for 12.88 acres), for single family attached homes for elderly. The single family lots will average over 8,000 S.F. in size.

Steve Perry, of KWL Properties, offered renderings to the board for review. He went on to explain the proposed project: Briarwood Estates is the single family property and Emerald Village is the elderly property. The elderly property is for elderly who are 55 years of age and older and low income (60% of area meeting income or lower). There will be an office and community room for each development and staff on-site that will manage the property.

Heather Walker-Clark, City of Jonesboro Grants and Community Director, offered to answer any questions regarding housing stock. In 2012, there was a study conducted and results of the study found that we had 313 elderly persons that had unmet needs. They needed low-income housing and it was not available. Commissioner Kelton asked, “If all of these individuals would qualify for this type of program?” Ms. Clark replied, “Yes they would.”

Mr. Scurlock asked, "How would the owner keep control of the property and what happens when it goes to disrepair?" Mr. Perry answered by informing the Commission that if the property is not rented, he loses the tax credit. It is 15 year compliance period; his investor sees that the property is in good shape. After the 15 year compliance period the property can be rehabbed back into the program or sold out to the tenants who live there. He also said this program is different and very aggressive. They have the right to evict tenants if needed and they are very selective, which means “better tenants”. These residents take care of their homes and are proud of it.

Ruby McKinley, 512 Melrose, Apt. C., Chair for the Board, for the North Jonesboro Neighborhood Initiative (NJNI). Ms. McKinley expressed the goal of the NJNI which is to facilitate the involvement of low income individuals and manage the decision making process. On behalf of those 100 plus residents, many of whom could not attend the meeting, because of work or elderly conditions. We would like to express our support for Emerald Village and for Senior Citizens of Briarwood Estates. Ms. McKinley further added that the elderly of North Jonesboro do not have affordable housing readily available and Emerald Village would really be an asset. This project will provide better living conditions that most of our elderly are currently able to afford. These attached homes will provide independent living while having the assurance that there is a neighbor in the attached home next door. We have seen the work of this neighborhood and the single family product will be an asset to our neighborhood.

Mr. Hardy Little, 3910 S. Culberhouse St., Local Architect appeared before the Commission stating that he is working with Mr. Perry. He mentioned he was on Planning Commission a long time ago and we had a Tax Credit product that concerned us, the main concern was on the product used on the exterior of the buildings (life expectancy). The materials used for this project are under the standards of the Arkansas Development Finance Authority. The materials we use are as good as what I have on my home; i.e. brick faces, fiber cement type siding, 30 year roofing, energy efficient windows etc. He noted that he wanted to bring this concern up to assure the Commission that is *not* a concern. Mr. Perkins asked, “Are the drawings/renderings shown the actual examples of what will be built or just prototypes of other places?” Mr. Little stated, “They are the units he has been designed for this project and will be turning in.”

Staff:

Mr. Spriggs gave an overview of the case facts provided in the Staff Report. 25.68 acres are currently zoned R-1 to be rezoned to the RS-7 and RM-8. The area is surrounded by R-1 Single Family, with multifamily located to the south and west of the property on the Church Street and W. Daybreak Road area. Mr. Spriggs noted that the Land Use Plan is partially being complied with regarding the single family homes; however the attached single family homes, although do not fall under the definition of multi-family, may not be consistent in total. They would be consistent in the level of low density. The average number of homes allowed today under the R-1 Single Family would be 5.6 homes per acre.

Mr. Spriggs continued: The applicant is requesting approval of the 25 duplexes and 40 homes. Traffic would be a concern in the general area with the lack of curbs and gutter and open ditches and narrow width of N. Patrick St. The applicant will be asked to satisfy the requirements of the Master Street Plan, and we hope that they will anticipate the widening of N. Patrick and accommodate pedestrian sidewalks along their property frontage, which are a major need for this vicinity and area. The zoning standards table was displayed which illustrates the parameters of each district requested.

Other agencies and departments were forwarded the petition for comment and no issues were reported from the M.P.O. or other departments. The Jonesboro School District was also copied on the agenda/item for comment as well. Photographs of the general vicinity and housing stock were showed.

The conditions were read.

Public Input: Opposition

Carolyn Tinsley, 1005 Darlene Drive, stated comments from the Master Street Plan of the requirements for Patrick and Daybreak. Right now Patrick is a 20-24 wide street with deep ditches and a double line going down the center. N. Patrick was not paved by the City, but was paved by the County prior to annexation. Ms. Tinsley stated that we should upgrade Patrick from a county road to City specs before considering rezoning this property or any other property on N. Patrick for multi-family. The owner has agreed to the street's rights-of-way, and sidewalks along the property frontage, what about the rest of N. Patrick Street. Not one new light has been added, not one inch of pavement has been added since the City annexed this road. She stated issues of the street, not having shoulders and putting people in danger because they have to walk in the middle of the street. Let's correct the drainage issues now. She presented photos (since 2005) of an accident and flooding problems. She added problems of having a busy street and school/buses that go down N. Patrick.

Mr. Garry Tate, 2808 Danlee Dr., stated that traffic is the major concern. He commented on the Ridges of Jonesboro project, that got by without sidewalks or widening the road. If the zoning is approved and they only use 6 acres of the ground, what happens in the future if they sell it and want to build even more units. He noted that he serves on the Future Road Committee and their number one priority going to Council is to widen Patrick St., but funding is a problem. Without a tax similar to the MATA program, I do not see that happening for the next 10-12 years, regarding financing a street. Because of the multi-family and the traffic volume and the fact that they are asking for a rezoning that far overreaches what they plan to build. The streets are unsafe and not well lit, with several reported accidents, Mr. Tate ended.

Wayne Blake, 1406 N. Patrick St., stated that he applauds the idea of them wanting to serve the needs of low income elderly and provide affordable housing. He stated his concerns about the

traffic issues. It seems to his memory that when they allowed the last project that they weren't going to allow anymore similar projects, until the road and drainage is taken care of. Safety is a concern. Road improvements should be tied to the development of this property. Have no objections to the housing.

Mr. Tate: Added that Garden Manor was a tax credit project. We do not need another Garden Manor like West Memphis and Memphis.

Gary Smith, 2111 Mitzi Lane, stated traffic is a heavy concern and the fact that there are no walk ways.

Steve Gillis, 3111 Beanie, Bennett Addition, stated it is not an inch wider than it was 26 years ago. About 3 years ago, during the time of another rezoning case, he spoke with the former chief of police and he said we do not have the infrastructure to take on another project in that area. Not just roads but policing and fire.

Norma Ferrel, 108 E. Warner, stated she was a home owner. She told of an instance of someone that is on a 2 year waiting list before getting housing. The need for housing is in the area.

Mr. Spriggs gave notice to the attendees that the Master Street Plan and Land Use Plans will be made available to the public for review on February 2, 2015 and February 9, 2015 at 5:30 PM in the Municipal Center Lobby. The audience was urged to come out and see the documents and give input and make comments.

Mr. Spriggs also gave comments regarding the public comments and concerns about the capacity for the zoning districts in which they are asking, in regards to the maximum build-out of the property. They are requesting particular zoning districts for both housing products, and staff is requesting a revision to the Limited Use Overlay, which will control the fact that if it were approved, they would not be able to go over the thresholds (maximum number of units/40 single family homes and 25 attached single family homes) as listed in the conditions. This means that they would not be allowed to later convey off portions of the acreage and obtain additional units in the future.

Mr. John Easley added that they are not using the entire property, they will be using it for drainage structures and mitigation; the rest the acreage on the south will be the 25 lots. Chairman Roberts asked for explanation on the drainage as commented by the public. Mr. Easley replied that the bulk of the property drains from Patrick back to the West, and it leaves the property at about the southwest corner. In the southwest corner is a drainage facility. As far as the ditch along Patrick St., we will make improvements along the property frontage, making whatever required improvements to the existing open ditch to make it safer.

Mr. Bailey asked about entry and egress off of N. Patrick St. Mr. Easley explained that there will be one entry off of Patrick from each tract, i.e. a road down the middle with lots on each side. The south lot will be a road down the middle with a cul-de-sac, because of the drainage structure in the rear.

Mr. Harold Tensley added that if you look at those pictures, the drainage ditch is larger north than it is from their property to Lost Creek Ditch. That is one reason why water backs up.

Mr. Tate reiterated comments about the lack of funding needed to improve Patrick Street and the time element to obtain that funding.

Chairman Roberts closed public debate.

Commissioner's Deliberation:

Mr. Bailey asked for a synopsis of North Patrick Roads improvements. Mr. Morris stated that Engineering has done some surveying on North Patrick and has determined the needs and priority of the work needed. It is on the list, but it is unknown about funding sources and timing.

Mr. Cooper asked the developer if he understands the stipulations being placed on him and does he agree to satisfy those?

Mr. Perry answer, "Yes, he understands, and he does agree". He stated that there will be sidewalks in front of the property.

Mr. Paul Hoelscher asked the developer related to the single family, does the rental policy allow rentals to two or more unrelated residents? Mr. Perry replied that all occupants have to be on the lease. He just dealt with this very same management issue, which is very serious in a development done a year ago. A full background search is done on the occupants, and if someone's moves in unknowingly, then it is a lease violation, resulting in eviction. There is a property manager that lives on the premises to monitor this. The new person is vetted by an additional background search.

Mr. Ron Kelton: Are you familiar with the federal and state Fair Housing Laws? And, will this be in compliance with both? Mr. Perry: Yes. Mr. Kelton asked will he provide the City with his letter from H.U.D. regarding the elderly housing limitation. Mr. Perry explained that he will obtain that letter from ADFA who receives that letter from H.U.D. The I.R.S. and the Tax Credit Program is administered by the Arkansas Development Finance Authority, of which he has a Fair Housing Certification, which he had to complete that course which is required in his application including the architect, engineer, Management Company, and other key personnel.

Mr. Reese: If this acreage were developed currently under the existing R-1 Zoning, how would the traffic affected by this type of proposal in comparison? Mr. Roberts calculated that at 5.6 units per acreage it would be 148 units approximately. Mr. Spriggs replied that with more homes, the impacts would be the same or worse because of the added households. Mr. Spriggs noted that the calculation is a gross density calculation which would be reduced by 15% to accommodate street and infrastructure improvements. With the elderly component, this development would be a less traffic impact than what is allowed today.

Public Comment:

Julia Lansford, Bennett Addition, stated that for 30 years she lived on Scott Street, that was engulfed with apartments, low income, and all kinds of different types of living. She moved to Bennett Addition with all that space, and she is concerned with the future of the area with the space left.

Commission's Action:

A motion was made by Kevin Bailey, to place Item RZ15-01 on the floor for consideration, a change from R-1 to RS-7 and RM-8, subject to the 4 conditions as read, seconded by Jimmy Cooper, that this matter be recommended to Council for approval. The motion PASSED with the following vote:

Roll Call Vote:

Mr. Scurlock- Aye (Commented that the people should have the right to do what they want with the land, as this is reasonable. He added that he would like the MAPC to make a resolution or comment to the City Council that N. Patrick need to be widened, and the ditches need to be cleaned, and we need to address the issue and not kick the ball down the road); Mr. Hoelscher- Aye; Mr. Perkins- Nay; Mr. Cooper- Aye; Reese- Aye; Kelton- Aye (Commented that he sees this as a Fair Housing issue; the demand for additional affordable housing for the elderly, based upon earlier statements, Government entities, or any political subdivision entities have the obligation under both the Federal and the Arkansas Fair Housing Act, to make reasonable accommodations for the needs of those who are disabled, those who are elderly, etc. He drove the road today and all of these people are right, that the road is a nightmare and needs to be a priority of the City); Mr. Bailey- Aye (agreeing with the previous comments, noting he grew up on Warren St., along Lost Creek, the City has to do with the road. For the reason we are limiting the use of the property and number of housing); Ms. Shrantz- Aye.

7-1 Vote: Measure Passed.

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information and pending pre-meeting reviews:

Department/Agency	Reports/ Comments	Status
Engineering	No issues reported to date.	
Streets/Sanitation	No issues reported to date.	
Police	No issues reported to date.	
Fire Department	No issues reported to date.	
MPO	No issues reported to date.	
Jets	No issues reported to date.	
Utility Companies	No issues reported to date.	
School District	No issues reported to date.	Staff t emailed agenda/ report and request for review.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, should be approved, based on the above observations and criteria of Case RZ 15-01, a request to rezone property from “R-1” Single Family to “RS-7” L.U.O., Single Family” and “RM-8”, L.U.O. (Modified), Low Density Multi-Family” with the following conditions recommended:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. The applicant/successors agree to comply with the Master Street Plan recommendation for Daybreak Dr. and N. Patrick St. upon any future redevelopment of the site.
The property shall be redeveloped under the RS-7 L.U.O., and the RM-8 L.U.O., District standards: Maximum 40 single family homes (families or doors), and a maximum of 50 attached single family/duplex style units (families or doors).

4. The owner agrees to perform agreed upon street right of way improvements including sidewalks for pedestrian safety along property frontage.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking from of the property facing North.



View looking from front of the property facing East.



View looking from front of the property facing South down Patrick Street.



View looking from Patrick Street facing toward the property.



Looking at the front of the property.



In front of property looking South down Patrick.



Looking from Daybreak across from property.



Looking from Daybreak South down Patrick.



Looking from Jonathan south toward property.



Looking North from lot across from property.



Legislation Details (With Text)

File #:	ORD-15:001	Version:	1	Name:	Rezoning at 5200 E. Johnson
Type:	Ordinance	Status:		Status:	Third Reading
File created:	1/15/2015	In control:		In control:	City Council
On agenda:		Final action:			

Title: AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5200 EAST JOHNSON AS REQUESTED BY JASON MARSHALL & FIRST ASSEMBLY OF GOD

Sponsors:

Indexes: Rezoning

Code sections:

Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
1/20/2015	1	City Council		

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES

BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Residential, R-1, single family

TO: Commercial, C-3, General Commercial Use, LUO

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

PART OF THE SOUTH HALF SECTION 2, TOWNSHIP 14 NORTH, RANGE 4 EAST IN CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

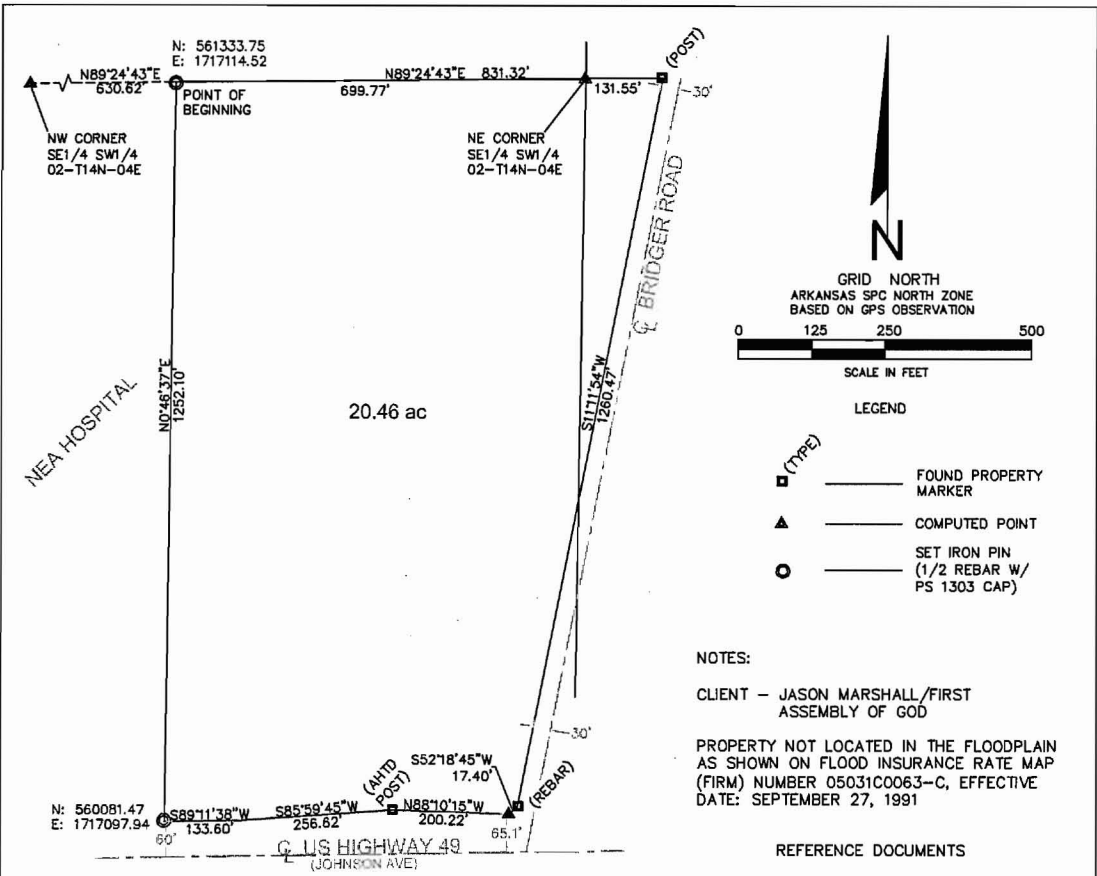
FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4, SW1/4) OF SAID SECTION 2, THENCE N89°24'43"E 630.62 FEET ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4, SW1/4) OF SAID SECTION 2 TO THE POINT OF BEGINNING;

CONTINUE THENCE N89°24'43"E 831.32 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF BRIDGER ROAD, THENCE ALONG SAID RIGHT OF WAY S11°11'54"W 1260.47 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF US HIGHWAY 49 (JOHNSON AVE), THENCE ALONG SAID RIGHT OF WAY S52°18'45"W 17.40 FEET, THENCE N88°10'15"W 200.22 FEET, THENCE S85°59'45"W 256.62 FEET, THENCE S89°11'38"W 133.60 FEET TO A POINT, THENCE N00°46'37"E 1252.10

FEET TO THE POINT OF BEGINNING CONTAINING SOME 20.46 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

SECTION 2: The rezoning of this property shall adhere to the following stipulations:

1. That the proposed site shall continue to satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed and approved by the MAPC prior to any re-development of the property.
3. The applicant/successors agree to comply with the Master Street Plan recommendation for Hwy. 49N and Bridger Road upon any future redevelopment site.
4. The C-3 General Commercial List of permitted uses shall be allowed with the exception of adult entertainment, and those uses allowed only by Conditional Use Application shall be allowed with MAPC specified approval.



CERTIFICATION

I HEREBY CERTIFY THAT McALISTER ENGINEERING HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS AND THAT ALL PROPERTY LINES AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Clarence W. McAlister
 CLARENCE W. McALISTER, PS 1303 DECEMBER 12, 2014

DESCRIPTION

PART OF THE SOUTH HALF SECTION 2, TOWNSHIP 14 NORTH, RANGE 4 EAST IN CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4, SW1/4) OF SAID SECTION 2, THENCE N89°24'43"E 630.62 FEET ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4, SW1/4) OF SAID SECTION 2 TO THE POINT OF BEGINNING;

CONTINUE THENCE N89°24'43"E 831.32 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF BRIDGER ROAD, THENCE ALONG SAID RIGHT OF WAY S11°11'54"W 1260.47 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF US HIGHWAY 49 (JOHNSON AVE), THENCE ALONG SAID RIGHT OF WAY S52°18'45"W 17.40 FEET, THENCE N88°10'15"W 200.22 FEET, THENCE S85°59'45"W 256.62 FEET, THENCE S89°11'38"W 133.60 FEET TO A POINT, THENCE N00°46'37"E 1252.10 FEET TO THE POINT OF BEGINNING CONTAINING SOME 20.46 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

	PLAT OF SURVEY	
	A PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 14 NORTH, RANGE 4 EAST CRAIGHEAD COUNTY, ARKANSAS	
	McALISTER ENGINEERING	
	SURVEYING AND LAND SURVEYING	
	CLARENCE W. "MAC" McALISTER, PE, PS	
	DRAWN BY: JH	CHECKED BY: CM
	SCALE: 1" = 250'	DATE: 12DEC12
DWG REF. 02-14N-04E JOB NO. 1460005 SHEET 1 / 1 500-14N-04E-0-02-203-16-1303		



City of Jonesboro City Council
Staff Report – RZ 14-24: 5200 East Johnson Rezoning
Municipal Center - 300 S. Church St.
For Consideration by the Council on January 20, 2015

REQUEST: To consider a rezoning of the land containing 20.48 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “R-1” Single Family residence to “C-3”, L.U.O., General Commercial District, by the MAPC.

**APPLICANTS/
OWNER:** **Jason Marshall, Attorney**, 225 South Main St., Jonesboro, AR
First Assembly of God, 1404 Stone St., Jonesboro, AR

LOCATION: **5200 East Johnson, Jonesboro, AR**
South Side of E. Johnson, between Bridger Rd. & NEA Baptist Hospital

**SITE
DESCRIPTION:** **Tract Size:** Approx. 20.48 Acres
Street Frontage: 1258.62 along Bridger, 547.46 along E. Johnson Ave.
Topography: Predominantly flat
Existing Development: Vacant Land

SURROUNDING	<u>ZONE</u>	<u>LAND USE</u>
CONDITIONS:	North: R-1	Mobile Homes
	South: R-1/C-3	General Commercial/NEA Clinic
	East: R-1	Single family home
	West: PD-C	PD-C Planned District/Hospital

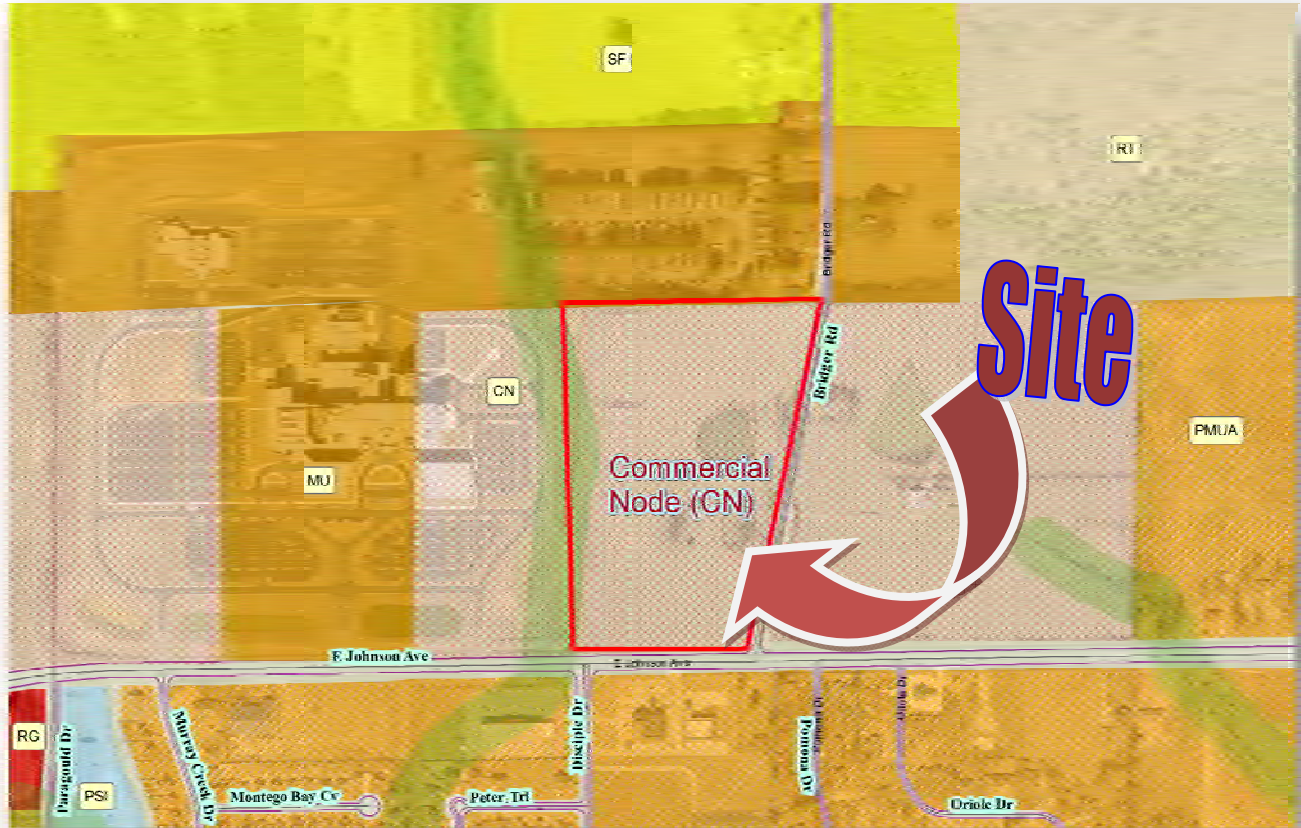
HISTORY: None.

ZONING ANALYSIS

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as a Commercial Node. The proposed rezoning is consistent and in compliance with the adopted Land Use Plan. This area has seen an influx of new development and growth. This land is unsuitable for *Single Family Residential*.










Adopted Land Use Map

Master Street Plan/Transportation

The subject property is served by E. Johnson, Hwy. 49N and Bridger Road on the Master Street plan, which is classified as a Principal Arterial and a Local Road, respectfully. Bridger Road requires a 30 ft. right-of-way to road centerline (60 ft. total right-of-way) and Hwy. 49 requires a 120 ft. total right of way. The provided plat shows both right of ways varying; however, compliance with the most current adopted Master Street Plan shall be required.

Approval Criteria- Chapter 117 - Amendments:

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

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C3 District rezoning is consistent with the Future Land Use Plan, which is categorized Commercial Node.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117. <u>Final Site plans demonstrating compliance with Chapter 117 must be submitted.</u> The property is not suitable for residential homes.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility would be achieved. Property fronts on major highway and is within a growth sector area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Property is not suitable for single family residential.	
(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;	This site and use should not be a detriment to the area. At time of transition or reuse, the property may have impacts on the traffic flow, unless best access management practices are considered.	
(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	Property is vacant for an unknown amount of time.	
(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	Impacts unknown, absent a proposed use and final site plan layout.	



Vicinity/Zoning Map

Staff Findings:

Applicant's Purpose:

According to the submitted application, the applicants have petitioned this rezoning so that the property can be sold for the highest possible market price and can be zoned similarly to adjoining and nearby properties that have obtained rezoning in the recent past. The applicant adds that the property would be developed in an increasingly popular commercial area with density being subject to the specific use for which the property would be obtained, after being successfully marketed by the current owner. It would be no more intensive than any of the contiguous developments approved within the last five years, and it will be rezoned in accordance with any future land use plan adopted by the City.

The applicant also notes that the land is too valuable per square foot to allow any single family homes to be built at a profit. The current owner purchased the property for 1.25 million dollars in the hope of building a new church on the subject property but due to the development taken place since that time, the traffic and intensity of the continuous developments make it unsuitable for such.

The applicant has proposed a rezoning to C-3 General Commercial District, and staff has listed the permitted uses to be allowed within the development as follows *(The applicant has not requested the property be rezoned as a Limited Use Overlay, therefore no conditions can be stipulated unless agreed upon.):*

List of Commercial Uses		C-3 General Commercial	List of Commercial Uses		C-3 General Commercial
<i>Civic and commercial uses</i>			<i>Civic and commercial uses</i>		
	Animal care, general	Permitted		Nursing home	Permitted
	Animal care, limited	Permitted		Office, general	Permitted
	Auditorium or stadium	Conditional		Parking lot, commercial	Permitted
	Automated teller machine	Permitted		Parks and recreation	Permitted
	Bank or financial institution	Permitted		Pawn shops	Permitted
	Bed and breakfast	Permitted		Post office	Permitted
	Carwash	Permitted		Recreation/entertainment, indoor	Permitted
	Cemetery	Permitted		Recreation/entertainment, outdoor	Permitted
	Church	Permitted		Recreational vehicle park	Permitted
	College or university	Permitted		Restaurant, fast-food	Permitted
	Communication tower	Conditional		Restaurant, general	Permitted
				Retail/service	Permitted
	Convenience store	Permitted		Safety services	Permitted
	Day care, limited (family home)	Permitted		School, elementary, middle and high	Permitted
	Day care, general	Permitted		Service station	Permitted
	Entertainment, adult	Conditional		Sign, off-premises*	Permitted
	Funeral home	Permitted		Utility, major	Conditional
	Golf course	Permitted		Utility, minor	Permitted
	Government service	Permitted		Vehicle and equipment sales	Permitted
	Hospital	Permitted		Vehicle repair, general	Permitted
	Hotel or motel	Permitted		Vehicle repair, limited	Permitted
	Library	Permitted		Vocational school	Permitted
	Medical service/office	Permitted		Warehouse, residential (mini) storage	Conditional
	Museum	Permitted	<i>Industrial, manufacturing and extractive uses</i>		
<i>Agricultural uses</i>				Freight terminal	Conditional
	Agriculture, animal	Conditional		Research services	Conditional
	Agriculture, farmers market	Permitted			

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No issues reported to date.	
Streets/Sanitation	No issues reported to date.	
Police	No issues reported to date.	
Fire Department	No issues reported to date.	
MPO	No issues reported to date.	
Jets	No issues reported to date.	
Utility Companies	No issues reported to date.	

Record of Proceedings- Public Hearing Held on January 13, 2015

Applicant: Jason Marshall, Attorney, 225 South Main St., agent for First Assembly of God. Mr. Marshall presented before the MAPC stating that his client is seeking to rezone 20.48 acres. He is asking for a General C-3 Commercial Zoning District, with any stipulations that we can agree upon tonight. It conforms to the uses surrounding it. He entertained any questions. Mr. Marshall added that it won't be a detriment to the area. A revised plat was submitted reflecting right-of-way dedication, and future consideration of a turn-lane. There could be anywhere between 12-20 businesses on the land, so they do not want to be limited on the C-3 uses available, while deleting any uses that could cause criminal activity.

Staff:

Mr. Spriggs presented on behalf of staff noting the surrounding conditions and stating that the proposal is consistent with the Land Use Plan and is in keeping with the growth and development trends occurring in the immediate vicinity as a result of the new hospital constructed. The master street plan, as noted will be complied with. The list of criteria for rezoning is met by the applicant. The C-3 Table of Allowable Uses is copied in the report and was commented on. Adult Entertainment is discouraged and the suggested conditions were read with the suggestion of changing the district to a "Limited Use Overlay District". No agencies or departments responded with negative comments or objections to the rezoning.

Public Input: None Present.

Action:

Mr. Reece made a motion to place Case: RZ-14-24 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and the MAPC finds that changing the zoning of this property from "R-1" Single Family to the proposed C-3, L.U.O. (as revised), will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to listed conditions and the Final Site Plan review and approval by the MAPC in the future. Motion was seconded by Mr. Cooper.

Roll Call Vote: 5 – 0 Approval: Mr. Perkins- Aye; Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Kelton- Aye; Mrs. Schrantz- Aye.

Absent were: Mr. Scurlock, Mr. Bailey, Mr. Hoelscher; Lonnie Roberts was Chair.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, I based on the above observations and criteria of Case RZ 14-24, a request to rezone property from “R-1” Single Family to “C-3, Limited Use Overlay” subject the following conditions:

1. That the proposed site shall continue to satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. The applicant/successors agree to comply with the Master Street Plan recommendation for Hwy. 49 N. and Bridger Rd. upon any future redevelopment of the site.
4. The C-3 General Commercial List of permitted uses shall be allowed with the exception of Adult Entertainment, and those uses allowed only by Conditional Use Application shall be allowed with MAPC specified approval.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Photographs



View Looking North at NEABaptist Hospital



View Looking West from Bridger Rd.



View Looking North toward Hospital Entry



View Looking South towards @ Site/E. Johnson



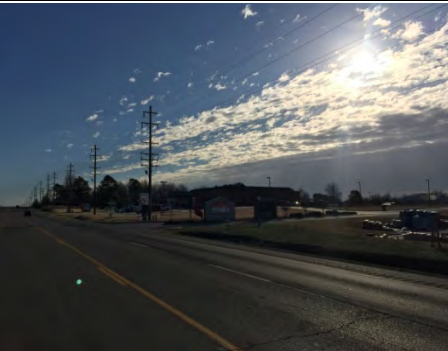
View Looking Northeast towards site



View Looking Northeast towards site



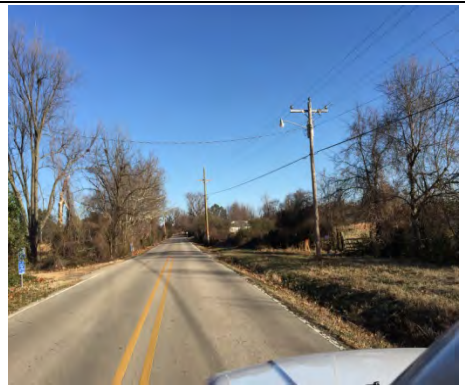
View Looking East, Site on left



View Looking East on Johnson, Across from Site



View Looking North on Bridger Rd.



View Looking North on Bridger Rd.



View Looking West from Bridger Rd.



View Looking West from Bridger Rd.

		
<p>View Looking Northeast Across from Site</p>	<p>View Looking North on Bridger Rd.</p>	<p>View Looking South on Bridger Rd.</p>
		
<p>View Looking West from Bridger Rd.</p>	<p>View Looking North on Bridger Rd.</p>	<p>Looking West on Private Dr. of Mobile Home Park</p>
		
<p>Looking West on Private Dr. of Mobile Home Park</p>	<p>Looking West on Private Dr. of Mobile Home Park</p>	<p>Looking West from Mobile Home Park</p>
		
<p>Looking South from Mobile Home Park</p>	<p>Looking South from Mobile Home Park</p>	<p>Looking South from Mobile Home Park @ Bridger</p>