



METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Application for a Zoning Ordinance Map Amendment

Date Received:

04-19-10

Case Number:

RZ-10-08

LOCATION:

Site Address:

5701 E. Johnson Ave.

Side of Street: SE

between Bridger Road

and East Johnson

Quarter: NENE

Section: 11

Township: 14N

Range: 4E

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

SITE INFORMATION:

Existing Zoning:

R-1

Proposed Zoning:

C-3

Size of site (square feet and acres):

179,695 sf (4.125 ac)

Street frontage (feet):

847.38'

Existing Use of the Site:

Site is open grassy field

Character and adequacy of adjoining streets:

E Johnson (US Hwy 49) is a five lane highway.

Does public water serve the site? Yes

City Water & Light

If not, how would water service be provided?

Does public sanitary sewer serve the site?

Sanitary sewer exists just off-site

If not, how would sewer service be provided?

Use of adjoining properties:

North

Across East Johnson - open field and residential tracts

South

Barry Phillips - residential with horse barn and pasture

East

Across Bridger Road - pasture land.

West

Scott Bridger - residential

Physical characteristics of the site:

The site is currently undeveloped; it is a slightly sloping grassy field

Characteristics of the neighborhood:

The surrounding area is primarily unsubdivided residential and pasture. Commercial along Highway 49 is the predominate development in this area.

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.

Page 1 of 2

29-Aug-03, Revised 31-Oct-03

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? **See Attachment**
- (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.


Name: Tim Redden

Address: 3112 Southern Hills Lane

City, State: Jonesboro, AR ZIP 72401

Telephone: 870-243-0959

Facsimile: 870-932-6382

Signature: 

Applicant:

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

Name: _____

Address: _____

City, State: _____ ZIP _____

Telephone: _____

Facsimile: _____

Signature: _____

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

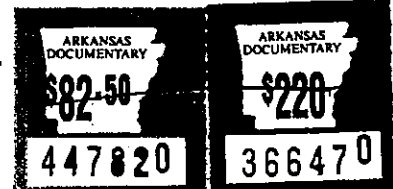
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1. R-1
2. The purpose for the proposed rezoning is to make commercial development allowable. Johnson Avenue is becoming increasingly commercial.
3. Although no plans exist now, the property will be developed into a commercial use compliant to the zoning ordinance for C-3.
4. Plans for development have not been made at this point.
5. This rezoning request conforms to the Jonesboro Comprehensive Land Plan and the Future Land Use Plan.
6. The proposed rezoning would allow development of the site into commercial, and potentially contain businesses that are a part of the support for the residential citizens of the area.
7. The impetus for development along this corridor is commercial. Developments planned for this location would be representative for a gateway into the city.
8. The property is not desirable residential land, with street frontage on the north and west side, with the Johnson frontage being on a five-lane highway, and the depth being only approximately three hundred and eighty feet.
9. There would be a positive impact on property values as the site is developed commercial. Considering the current level of traffic on East Johnson, it is unlikely the development of this site will have a measurable impact on the traffic. Drainage, by drainage ordinance, will have no increase of flow between the predevelopment condition and post-development construction. There will be green areas on-site, and good business practice in this location would dictate that the site plan be both practical to the function in compliance with city specifications and aesthetically pleasing to the eye. The site planning process with city planners and engineers in conformity with City of Jonesboro standards and specifications would mitigate any problems along the zoning boundary. There are no current development plan alternatives that include odors, noise, vibration, unusual hours of use or operation, or restriction to the normal and customary use of affected property.
10. Other than infrastructure built around it, the property has not been developed.
11. There little impact on utilities. Utilities exist on-site. Minor extensions may be necessary. There will be little impact on the streets and traffic flow. East Johnson is a 5-lane street with a high traffic count. Drainage, by enforced ordinance, would not be impacted and may be enhanced. The development of this site would have little, if any, impact on parks. Open spaces and green areas would be design into the development plan. Development of this property would have little impact on the police department, fire department, or emergency medical services
12. The site planning is in early stages. We would anticipate development during 2010 to 2011.
13. No meeting was held. There was no anticipated opposition to this request.
14. This application is not for a Limited Use Overlay.

THIS INSTRUMENT PREPARED BY: J. ROBIN NIX, II, ATTORNEY

Warranty Deed

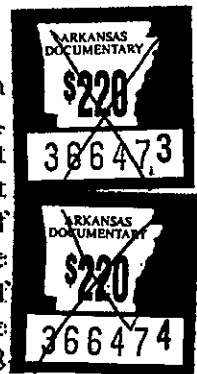
(WITH RELINQUISHMENT OF DOWER & CURTESY)



KNOW ALL MEN BY THESE PRESENTS:

THAT WE, **Ray Bridger and Alice Bridger, husband and wife**, for and in consideration of the sum of \$225,000.00, and other good and valuable considerations to us in hand paid by the **Grantee** herein, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto **Red Dog Investments, LLC**, and unto their **successors** and assigns forever, the following lands lying in the County of Craighead and State of Arkansas, to wit:

A part of the Northeast Quarter of the Northeast Quarter (NE 1/4, NE 1/4) of Section 11, Township 14 North, Range 4 East in Jonesboro, Craighead County, Arkansas, more particularly described as follows: From the Northeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 11, thence South 88° 32' 00" West 80.00 feet along the North line of the Northeast Quarter of the Northeast Quarter of said Section 11 to a point, thence South 00° 18' 00" West 34.00 feet to a point on the Southerly right of way of East Johnson Avenue (US Highway 49), the point of beginning; continue thence South 00° 18' 00" West 368.42 feet to a point, thence South 88° 07' 00" West 492.07 feet to a point, thence North 03° 35' 49" East 86.68 feet to a point, thence North 03° 35' 00" East 290.40 feet to a point on the Southerly right of way of East Johnson Avenue (US Highway 49), thence North 88° 32' 00" East 394.60 feet along said right of way to a point, thence South 88° 36' 00" East 75.70 feet to the point of beginning, containing some 4.125 acres, more or less, subject to a 30 foot road easement on the Westerly side thereof.



To have and to hold the same unto the said **Grantee** and unto its successors and assigns forever, with all appurtenances hereunto belonging.

And we hereby covenant with said **Grantee** that we will forever warrant and defend the title to the said lands against all claims whatever.

And we, **Ray Bridger and Alice Bridger, husband and wife**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said **Grantee** our rights of dower, curtesy, and possibility of Homestead in and to said lands.

WITNESS our hands and seals on this 7th day of April, 2006.

Ray Bridger
RAY BRIDGER

Alice Bridger
ALICE BRIDGER

ACKNOWLEDGMENT

STATE OF Georgia
COUNTY OF Barrow

BE IT REMEMBERED, that on this day came before me the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, **Ray Bridger and Alice Bridger, husband and wife**, to me well known as the grantors in the foregoing Deed, and stated that they had executed the same for the consideration and purpose therein mentioned and set forth.

And on the same day also voluntarily appeared before me each of the said grantors separately, and each grantor in the absence of such grantor's spouse declared that he or she had, of his or her own free will, executed said Deed and signed and sealed the relinquishment of dower, curtesy and homestead in the said Deed for the consideration and purposes therein contained and set forth, without compulsion or undue influence of such grantor's spouse.

WITNESS my hand and seal as such Notary Public on this 7 day of April, 2006.

My Commission Expires:
April 11, 2006

Benjamin Hudson
Notary Public

I certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument.

Buyer J. Robinson, II Agent for Red Dog Investments, LLC Address 3112 Southern Hills Lane Jonesboro, GA 30213

DEED BK 720 PG 969 - 970
DATE 04/12/2006
TIME 08:17:55 AM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
Ann Hudson, D.C.
RECEIPT# 147890

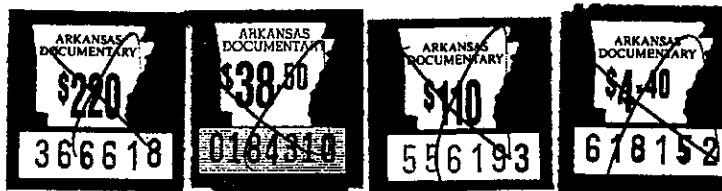
THIS INSTRUMENT PREPARED BY: J. ROBIN NIX, II, ATTORNEY

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT **RED DOG INVESTMENTS, LLC**, a limited liability company, for and in consideration of the sum of \$112,500.00, and other good and valuable considerations to the company in hand paid by the **Grantee** herein, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto **SPURLOCK EQUIPMENT, INC.**, and unto its successors and assigns forever, the following described land situated in the County of Craighead, State of Arkansas, to-wit:

SEE ATTACHED EXHIBIT "A"




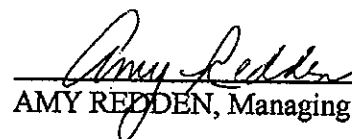
TO HAVE AND TO HOLD the same unto the said **Grantee** and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And, **Red Dog Investments, LLC**, a limited liability company, hereby covenants with said **Grantee** that it will forever warrant and defend the title to the said lands against all claims whatsoever.

IN TESTIMONY WHEREOF, the name of the grantor is hereunto fixed by its member this 12th day of May, 2006.

RED DOG INVESTMENTS, LLC, A LIMITED LIABILITY COMPANY


 TIM REDDEN, Managing Member


 AMY REDDEN, Managing Member

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

BE IT REMEMBERED, that on this day came before me the undersigned, a Notary Public duly commissioned qualified and acting, within and for said County and State, in person within named **Tim Redden and Amy Redden**, to me personally well known, who stated they are the Managing Members of **Red Dog Investments, LLC**, a limited liability company, and were duly authorized in their capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that they had 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 12th day of **May, 2006**.

My Commission Expires:
August 20, 2010

Sanda Greene
Notary Public



I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Buyer: Paul & Spudoch Address: 416 Hickory CR.

EXHIBIT "A"

A part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 14 North, Range 4 East in Jonesboro, Craighead County, Arkansas, more particularly described as follows: From the Northeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 11, thence South 88° 32' 00" West 80.00 feet along the North line of the Northeast Quarter of the Northeast Quarter of said Section 11 to a point, thence South 00° 18' 00" West 34.00 feet to a point on the Southerly right of way of East Johnson Avenue (US Highway 49), thence North 88° 36' 00" West 75.70 feet along said right of way to a point, thence South 88° 32' 00" West 165.60 feet along said right of way to the point of beginning; thence South 00° 18' 00" West 373.97 feet to a point, thence South 88° 07' 00" West 250.69 feet to a point, thence North 03° 35' 49" East 86.68 feet to a point, thence North 03° 35' 00" East 290.40 feet to a point on the Southerly right of way of East Johnson Avenue (US Highway 49), thence North 88° 32' 00" East 229.00 feet along said right of way to the point of beginning, containing some 2.063 acres, more or less, subject to a 30 foot road easement on the Westerly side thereof, and subject to all easements, restrictions, reservations, and rights of way of record.

DEED BK 723 PG 405 - 407
DATE 05/15/2006
TIME 02:51:31 PM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
RECEIPT# 149182 D.C.