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April 9, 2008

HAND DELIVERED

Ms. Donna Jackson
City Clerk
City Hall
515 W. Washington Ave.
Jonesboro, AR 72401

Re: Appeal of Denial of Conditional Use Application
No. CU-08-01 on behalf of King's Ranch

Dear Ms. Jackson:

I represent Dr. and Mrs. Eddie Cooper and King's Ranch with regard to the appeal of the denial of their conditional use application for King's Ranch, a tax exempt, nonprofit, nondenominational, privately funded, Christian organization. Please consider this as their request to appeal the denial of such application.

Dr. Cooper is an orthopedic surgeon, and Lee Cooper is a registered nurse practitioner. Through their involvement with foster children in the community, they recognized a great need for providing additional homes for children that are victims of abuse, neglect or abandonment. The application is for the purpose of creating a home for these children in an existing 4,900 square foot brick home located on a 10.57 acre tract adjacent and contiguous to the 59.17 acre tract upon which the Coopers and their four children, aged 7 through 14, reside. The site is zoned R1, and conditional use approval is required for more than five unrelated persons to reside in the home.

Dr. and Mrs. Cooper's concept for the Christian children's home in the wooded ranch-like setting is described in their statement accompanying the conditional use application, a copy of which is attached hereto. Essentially, they desire to provide a Christ centered family environment to nurture and cultivate values that will help children succeed in life.

The Metropolitan Area Planning Commission denied the conditional use application of the Coopers at its March 11, 2008, meeting. The minutes of such meeting reflect the basis

for the motion to deny the application was that the proposed site "is not the area to place this home". Although Section 14.24.03(c) of the Jonesboro Municipal Code requires the planning commission to provide reasons for the denial of an application within 15 days from the decision, the Coopers have received no communication from MAPC providing a reason for the denial other than the minutes of the 3/11/08 meeting.

The MAPC denial of the conditional use application for the reason the proposed site is not an appropriate area for the home is arbitrary, capricious, and inappropriate for the following reasons:

1. The need for a facility for abused, neglected and abandoned children in Jonesboro is not disputed, even by opponents to the application;

2. Careful planning has been done by Dr. and Mrs. Cooper to ensure the success of King's Ranch at the proposed location. It is modeled after Watersprings Ranch, a highly successful Christian children's home in Texarkana, Arkansas, which is located in a R1 residential area, and which has proven to be an asset, not a detriment, to the community, according to Texarkana's mayor;

3. The MAPC staff considered the site of the proposed conditional use in light of the surrounding area and found it would not be a detriment to the surrounding neighborhoods if limited to not more than eight children in the home and subject to further conditions enumerated in its report. Such conditions were accepted by the Coopers, and the Coopers are open to consideration of any additional requirements the council may desire;

4. Dr. and Mrs. Cooper sensed God's call to create the home at the proposed site, adjacent to their own home. Implicit with that calling is the responsibility to conduct King's Ranch in a manner that will be compatible with the neighborhood and that will not be a detriment to their own family or the lives or property of their friends and neighbors in the surrounding area.

5. Careful screening, policies and supervision address safety concerns. An in-depth screening process will ensure children with severe emotional or behavioral problems will not be accepted at King's Ranch. If such problems develop with a child, the child will be placed in an appropriate facility for children with such problems or returned to the child's guardian. King's Ranch is not for problem children, but it is for victims of parental abuse, neglect and abandonment. Private funding ensures the Coopers will not be required to accept children that are not appropriate for King's Ranch. Children will be supervised at all times by in-house "parents"

that share a like calling and will not be permitted to roam unattended. Watersprings Ranch has been in existence for years in Texarkana, and it has not adversely affected the safety or well-being of neighboring homes;

6. Property values will not be adversely affected in adjoining neighborhoods as the proposed site is 10.57 acre site with an existing, attractive, 4,900 square foot home that is entirely compatible with surrounding neighborhoods. It joins the Coopers 59.17 acre residential site and grounds. It is not a detention or rehabilitation facility. No barracks or dormitory is involved. No signs will be erected, and no traffic problems will be created. Also, the Watersprings Ranch experience has demonstrated no adverse effect upon property values in the area; and


7. Dr. and Mrs. Cooper are called to provide this needed ministry for abused, neglected and abandoned children at this location, and not another location.

Dr. and Mrs. Cooper respectfully state the decision of MAPC denying their conditional use application in spite of the findings and recommendations of the MAPC staff, and policies and procedures to ensure King's Ranch will not adversely impact the safety or property or surrounding neighborhoods, is arbitrary, capricious and inappropriate, and they respectfully request that the council approve their application.

A request for placement of the appeal on the council's agenda will follow by separate letter.

Respectfully submitted,

Dr. & Mrs. Eddie Cooper and King's Ranch

By: 
Noyl Houston, Attorney for
The Coopers & King's Ranch

Cc: Mr. Phillip Crego
City Attorney

Mr. Otis T. Spriggs
Planning & Zoning Director

Dr. & Mrs. Eddie Cooper