

Chrystal Glisson

From: Matt Parker and Tracey Parker [mattandtraceyparker@hotmail.com]
Sent: Friday, July 25, 2014 5:49 PM
To: Harold Perrin
Subject: RE: Police Station,

Mayor Perrin,

My impression of our meeting was that you agreed the code sections cited in my letter to you and that we reviewed with L.M . are applicable to this development. I read in the paper the opening has been scheduled for August. The code is specific about the height of fences vs walls, diameter of trees, lighting, etc. and the City web site says a certificate of occupancy won't be issued until the property is in compliance. On the other hand, the code said the required tree installation can come later under some circumstances, if there is a written agreements, etc. I am reporting to my partners / majority owners on a regular basis. We may be receptive to participating in the cost of extending the wall farther to the east than is required by the ordinance. Please let me know the next steps in order that I may pass the information along to my partners.

Thank you,

Matt.

From: HPerrin@jonesboro.org
To: mattandtraceyparker@hotmail.com
Subject: Re: Police Station,
Date: Wed, 23 Jul 2014 12:15:45 +0000

Thanks Matt see your Thursday

Sent from my iPhone

On Jul 23, 2014, at 6:54 AM, "Matt Parker and Tracey Parker" <mattandtraceyparker@hotmail.com> wrote:

Mr. Mayor,

Please see the attached sketch. We look forward to hearing from you Thursday. Have a safe trip to Little Rock.

Thanks,

Matt.

From: mattandtraceyparker@hotmail.com
To: kylec@bkarchts.com
Subject: FW:
Date: Tue, 22 Jul 2014 17:48:45 -0500

Kyle,

Attached is a sketch of what we think is more consistent with the minimum standards. Is anyone saying the ordinances don't apply in this instance? If yes, why?

Thanks,

Matt

Subject: Fwd:

From: jmattparker@hotmail.com

Date: Tue, 22 Jul 2014 17:42:36 -0500

To: mattandtraceyparker@hotmail.com

>

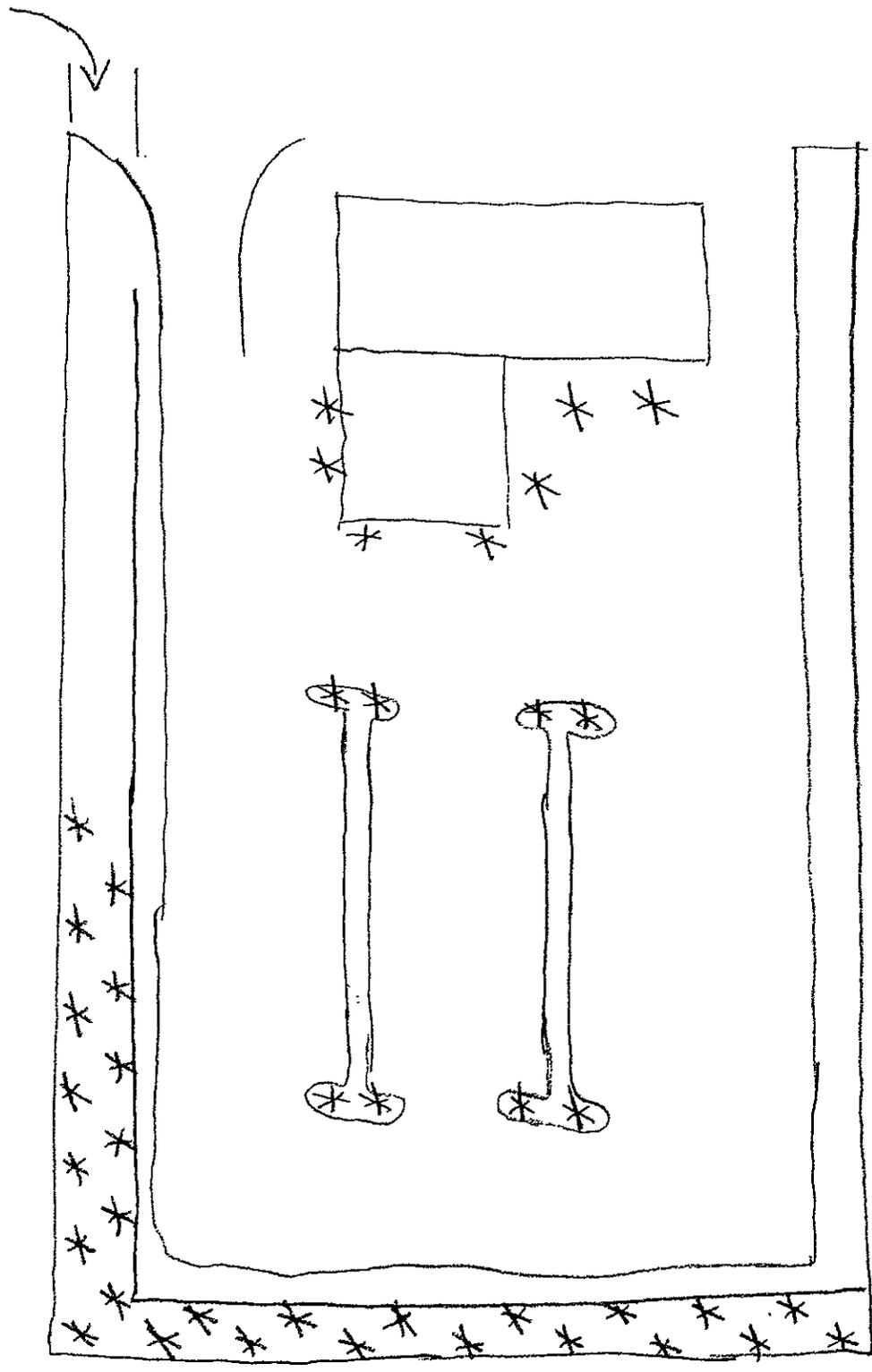
>

>

<DOC662.PDF>

<ATT00001.txt>

Irrigated
Landscape
Buffer Area



New 8'-10' decorative wall.

Evergreen Trees
Other Trees elsewhere

- Relocate Dumpster 25'4 from property line.
- Redesign exterior lighting to minimize light spillage.



CITY OF JONESBORO

July 29, 2014

Matt and Tracey Parker
1102 Dove Road
Jonesboro, AR 72401

Dear Matt and Tracey:

Thank you for meeting with me at the site last week. I have reviewed all of the concerns you have expressed in your email and in the meetings and discussions we have had about the new police department. I consulted with the architect, the city planner, and the city attorney's office about the project and the ordinances you have addressed. It is our opinion that the City is in compliance with the ordinances.

The usage of the property prior to the City acquiring it was a governmental use. The use is still governmental, so nothing has changed in that respect. In addition, there have been no changes to the parking lot, lighting, or dumpsters. These are all pre-existing conditions. The intensity of the usage has not changed and therefore the property is exempt from the landscaping and screening requirements of Section 117-326.

As you know from our previous meetings, I am still willing to look into the costs involved in placing a privacy fence along the west side of the property where it abuts the R-2 property. Although this is not required by law, the City is trying to be a good neighbor. As soon as I have the cost assessments for that fencing, we will make a decision as to how we are going to proceed.

Sincerely,

Harold Perrin
Mayor

HP/clg

Cc: Kyle Cook, Brackett-Krennerich
Otis Spriggs, City Planner
Carol Duncan, Asst. City Attorney
LM Duncan, Operations Director

JIM LYONS
jlyons@leclaw.com

ZAC BAKER
zbaker@leclaw.com

CHRIS WOODARD*
cwoodard@leclaw.com

Lyon & Cone, P.L.L.C.

ATTORNEYS AT LAW
407 SOUTH MAIN
P O BOX 7044
JONESBORO, ARKANSAS 72403-7044
870-972-5440 • FAX: 870-972-1270
WEBSITE: WWW.LECLAW.COM

MIKE CONE
mikecone@leclaw.com
DAVID TYLER
dtyler@leclaw.com

*Also licensed in Texas

August 1, 2014

VIA E-MAIL (cduncan@jonesboro.org)

Ms. Carol Duncan
City Attorney's Office
Jonesboro, AR 72401

Re: Jonesboro Investment Co., LLC - City of Jonesboro

Dear Carol:

I believe that you are aware of some, if not all, of the issues that have arisen between my client, Jonesboro Investment Co., LLC and the City of Jonesboro in regard to the new police station. My client would be very much in favor of resolving this without the necessity of litigation, but unless the City is willing to comply with the applicable provisions of the Jonesboro Arkansas Code of Ordinances ("Code"), then we will be left with no choice, but to pursue legal action.

It is my understanding that the City does not agree that the Code § 117-326 and other similar sections apply as the City claims that there will not be an increase in the intensity of the use. As you know, the City will man this building every hour of every day of the year with a number of City policemen as well as other City personnel. We have viewed historical Google maps for several years and, simply, the number of City Police cars alone will create a substantial increase in the intensity of the use from when it was a federal building as well as from when it was conveyed to the City. This can very easily be shown by these photographs as well as from testimony provided by past and current members of the National Guard who are familiar with the intensity of the use.

Additionally, Code § 117-326 applies and requires landscaping, dumpster screening as well as compliance with all installation, maintenance and replacements requirements. Also, Code § 117-328 is intended to protect "low density residential uses and neighborhoods from the adverse impacts sometimes associated with . . . nonresidential development." As the property involved qualifies as a triggering property, this will require that the City comply with this Code section which requires compliance with the residential compatibility standards.

It appears that the fencing does not comply with the requirement of Code § 117-329(1) in

regard to the maximum height without approval of the planning commission. It is my understanding that no approval has been sought or obtained. Finally, it appears that the City has failed to comply with the Arkansas Fire Protection Code of 2012 ("AFPC"). Obviously, we believe that there are several other violations which are not specifically mentioned herein and will be raised if suit is filed. Ironically, the City seems to require many developers (that we have represented) to comply with the Code and the AFPC very strictly, but wants to avoid it when it is their own building and grounds. Please be advised that we would like to meet with you, the Mayor and any others that may be involved in an effort to resolve this matter quickly. In the event that we cannot do so immediately, I have been instructed to file suit next Friday. Thank you.

Sincerely,



Jim Lyons

JL/ab

cc: Jonesboro Investment Co., LLC

F:\WP60\LAJIC.Duncan.ltr.wpd