



# Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA  
PLANNING COMMISSION  
Jonesboro, Arkansas

Date Received: 12-17-10  
Case Number: BZ 10-23

## LOCATION:

Site Address: 2800 INDUSTRIAL DRIVE

Side of Street: E between HWY. 463 (NETTLETON AVE) and ACCESS DRIVE

Quarter: SW Section: 26 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: I-1

Size of site (square feet and acres): 64,097 SQ.FT. OR 1.47 AC. Street frontage (feet): 242' HWY 463  
418' INDUSTRIAL DR.

Existing Use of the Site: VACANT

Character and adequacy of adjoining streets: ASPHALT - GOOD CONDITION.

Does public water serve the site? YES

If not, how would water service be provided? N/A

Does public sanitary sewer serve the site? YES

If not, how would sewer service be provided? N/A

Use of adjoining properties:

North INDUSTRIAL -(I-1)

South INDUSTRIAL -(I-1)

East INDUSTRIAL -(I-1)

West COMMERCIAL-(C-3)

Physical characteristics of the site: VACANT SITE

Characteristics of the neighborhood: COMMERCIAL BUSINESSES 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 17<sup>th</sup> of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.*

## 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? R-1
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? TO DEVELOP COMMERCIAL
- (3). If rezoned, how would the property be developed and used? COMMERCIAL RETAIL SALES & SERVICE
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? UNKNOWN AT THIS TIME
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? YES, THE PROPOSED REZONING IS CONSISTENT WITH THE LAND USE PLAN..
- (6). How would the proposed rezoning be the public interest and benefit the community? IT WOULD ALLOW FOR COMMERCIAL DEVELOPMENT
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? ZONING WOULD BE COMPATIBLE WITH THE MAJORITY OF THE ZONING SURROUNDING THE SITE
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? COMMERCIAL IS NOT ALLOWED IN R-1.
- (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. THIS REZONING SHOULD NOT ADVERSLY AFFECT ANY OF THE ABOVE.
- (10). How long has the property remained vacant? THE PROPERTY HAS REMAINED VACANT FOR SEVERAL YEARS.
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? IT SHOULD HAVE MINIMAL IMPACT ON THESE SERVICES.
- (12). If the rezoning is approved, when would development or redevelopment begin? UNKNOWN AT THIS TIME
- (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.* NO NEIGHBORHOOD MEETING HAS BEEN HELD
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

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**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: W. Turner Askew  
Address: 3 RIDGECREST COURT  
City, State: WHITEFISH, MT ZIP 59937  
Telephone: 406-250-3330  
Facsimile: 406-862-6338  
Signature: W. Turner Askew

**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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## Quitclaim Deed

KNOW ALL BY THESE PRESENTS:

THAT I, Turner Askew, for and in consideration of the sum of THIRTY THOUSAND DOLLARS (\$30,000.00), paid by Hot Dogs & Cool Cats, Inc., a Tennessee Corporation, the receipt of which is hereby acknowledged, hereby transfer and quitclaim unto Hot Dogs & Cool Cats, Inc., and unto its successors and assigns forever, an undivided Twenty-Five Percent (25%) interest in and to the following lands lying in the County of Craighead, State of Arkansas:

### Tract 1

Part of the West Half of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, more particularly described as follows: Begin at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 26; thence South 25.7 feet; thence East 20.0 feet to the East right-of-way line of Kathleen Street, the point of beginning proper; thence North along said East right-of-way line of Kathleen Street 153.40 feet; thence East 208.70 feet; thence North 243.40 feet to the Southwesterly right-of-way line of U.S. Highway #463; thence along said Highway right-of-way line as follows: South 44° 06' East 131.93 feet, South 36° 26' 20" East 291.37 feet; thence South 45° 54' West 156.86 feet; thence South 44° 06' East 293.23 feet to the Northwesterly right-of-way line of Access Drive; thence along said right-of-way line of Access Drive as follows: South 32° 28' 56" West 124.89 feet, South 24° 49' West 50 feet; thence North 72° 39' 36" West 431.021 feet to the East right-of-way line of Kathleen Street; thence along said East right-of-way line of Kathleen Street as follows: North 2° 30' West 167.155 feet, North 20° 04' West 114.30 feet; thence West 19 feet to the point of beginning proper. Now known as Lot 2 Higgins Minor Plat, Filed for Record in Plat Cabinet "B" Page 120, Craighead County Arkansas; and

Tract 2

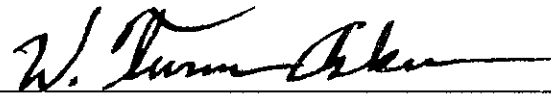
Part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, Craighead County, Arkansas, Being more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, Craighead County, Arkansas,: thence North 90

To have and to hold unto Hot Dogs & Cool Cats, Inc., and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

This conveyance is made upon the express limitation of the reservation of a seventy-five percent (75%) undivided interest in such property by the Grantor.

WITNESS my hand this 24<sup>th</sup> day of March, 2009.



Turner Askew - Grantor

Acknowledgment

State of Montana

County of Blaine ) ss:

On this day before the undersigned, a Notary Public duly qualified and acting in and for the county and state aforesaid, personally appeared Turner Askew, to me well known to be the person whose name appears as Grantor in the foregoing instrument, and stated that he has executed the same for the consideration, uses and purposes therein stated.

In witness whereof, I hereunto set my hand and seal on this 24<sup>th</sup> day of March, 2009.

Sherry J. Mahugh  
Notary Public

My commission expires:

February 25, 2012

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

W. Turner Askew

Address: 3 Ridgecrest Court  
Whitefish MT 59937



Document Prepared By:  
GIBSON LAW FIRM  
304 Southwest Square  
Jonesboro, AR 72401  
Telephone: (870) 972-9008  
Facsimile: (870) 972-9268

Please Return To:

Lenders Title Company  
2207 Fowler Avenue  
Jonesboro AR, 72401  
Phone: 870-935-7410  
Fax: 870-935-6548

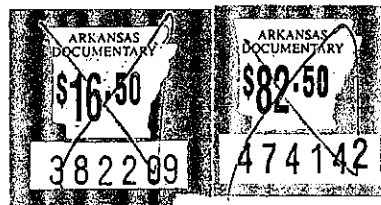
File Number: 07-048941-300

Approved as to form by:  
J. Mark Spradley, Attorney-at-Law  
Transactional data completed by Lenders Title Company

Warranty Deed - Married Person (Letter).rtf

FOR RECORDER'S USE ONLY

**WARRANTY DEED**  
(MARRIED PERSONS)



KNOW ALL MEN BY THESE PRESENTS:

That, Marvin Earl Higgins and Martha Higgins, his wife, Billy Higgins Greer and Norvell William Greer, her husband, Sherry Higgins Horton and Freddy Horton, her husband, and Lynn Cavender, a single person, Grantor(s), for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---(\$10.00)---and other good and valuable consideration in hand paid by W. Turner Askew, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the Grantee(s), and unto his heirs and assigns forever, the following lands lying in the County of Craighead and the State of Arkansas to-wit:

A part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, Craighead County, Arkansas, thence North 90° 00' 00" East along the South line of the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 26 aforesaid, 60.00 feet; thence North 00° 00' 00" West departing said South line 336.10 feet to the point of beginning; thence continue North 00° 00' 00" East 208.82 feet to the Southerly right of way line of Arkansas State Highway #463; thence South 44° 05' 42" East along said Southerly right of way line 242.44 feet; thence South 00° 00' 00" West departing said Southerly right of way line 34.70 feet; thence North 90° 00' 00" West 168.70 feet to the point of beginning, containing in all 20,541 sq. ft. or 0.47 acres, more or less, subject to easements, restrictions, reservations and rights of way of record.

Subject to existing easements, building lines, restrictions and assessments, of record, if any.

TO HAVE AND TO HOLD the above described lands unto the Grantee(s) and unto his heirs and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And the Grantor(s) hereby covenant with the Grantee(s) that they will forever warrant and defend the title to the above described lands against all claims whatsoever.

And we, Marvin Earl Higgins and Martha Higgins, his wife, Sherry Higgins Horton and Freddy Horton, her husband, and Lynn Cavender, a single person, for the consideration recited herein, do hereby release and relinquish unto the Grantee(s) and unto his heirs and assigns, all of our right of dower, curtesy, and homestead in and to said lands.

WITNESS our hand(s) and seal(s) on this 14th day of February, 2007.

I hereby certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument. Exempt or no consideration paid if none shown.

GRANTEE OR AGENT:

Turner Title Co. Agent  
for W. Turner Askew

GRANTEE'S ADDRESS:

3 Ridgcrest Court  
Whitefish, Mt. 59937

Marvin Earl Higgins  
Marvin Earl Higgins

Martha Higgins by Marvin Earl Higgins  
Martha Higgins, by Marvin Earl Higgins her Attorney-in-Fact

Billie Higgins Greer  
Billie Higgins Greer

Norvell W Greer  
Norvell William Greer

Sherry Higgins Horton  
Sherry Higgins Horton

Freddy Horton  
Freddy Horton

Freddy Horton  
Freddy Horton

Lynn Cavender, by Sherry Horton P.O.  
Lynn Cavender, by Sherry Horton, his Attorney-in-Fact

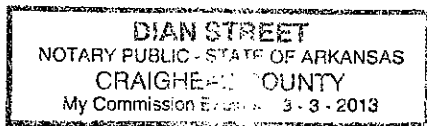


ACKNOWLEDGMENT

STATE OF ARKANSAS )
)
) SS.
COUNTY OF CRAIGHEAD )

BE IT REMEMBERED, that on this day came before me, the undersigned, a notary public within and for the County and State aforesaid, duly commissioned and acting, Marvin Earl Higgins and Martha Higgins, his wife, by Van Higgins, her Attorney-in-Fact, Sherry Higgins Horton and Freddy Horton, her husband, and Lynn Cavender, a single person, by Sherry Horton, his Attorney-in-Fact, to me well known as (or satisfactorily proven to be) the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 14th day of February, 2007.



[Signature] Dian Street
Notary Public

My commission Expires:

STATE OF Mississippi )
)
) SS. ACKNOWLEDGMENT
COUNTY OF Marshall )

BE IT REMEMBERED, that on this day came before me, the undersigned, a notary public, within and for the County and State aforesaid, duly commissioned and acting Billy Higgins Greer and Norvell William Greer, her husband, to me well known as (or satisfactorily proven to be) the person whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on this 14th day of Feb., 2007

My commission Expires:
JEAN KING
NOTARY PUBLIC
MARSHALL COUNTY, MS
Notary Public State of Mississippi
At Large
My Commission Expires
September 11, 2008
BONDED THRU
HEIDEN, BROOKS & GARLAND, INC

[Signature] Jean King
Notary Public

DEED BK 742 PG 821 - 823
DATE 02/21/2007
TIME 04:30:50 PM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY
ANN HUDSON
CIRCUIT CLERK
[Signature]
RECEIPT # 159007

Please Return To:

Lenders Title Company  
2207 Fowler Avenue  
Jonesboro AR, 72401  
Phone: 870-935-7410  
Fax: 870-935-6548

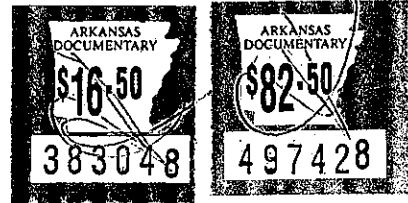
File Number: 10-056583-300

Approved as to form by:  
J. Mark Spradley, Attorney-at-Law  
Transactional data completed by Lenders Title Company

Warranty Deed - Married Person (Letter).rtf

FOR RECORDER'S USE ONLY

**WARRANTY DEED**  
(MARRIED PERSONS)



KNOW ALL MEN BY THESE PRESENTS:

That, Carolyn Chambers and Dale Chambers, her husband, Grantor(s), for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---(\$10.00)---and other good and valuable consideration in hand paid by Turner Askew, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the Grantee(s), and unto his heirs and assigns forever, the following lands lying in the County of Craighead and the State of Arkansas to-wit:

A part of the West Half of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, being more particularly described as follows: Begin at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, thence South on the section line 25.7 feet to the North end of Kathleen Street/United States Highway No. 63 Bypass right of way; thence East along said right of way line 20.0 feet; thence North 153.4 feet to the point of beginning proper; thence East 208.7 feet; thence North 208.7 feet; thence West 208.7 feet; thence South 208.7 feet to the point of beginning proper, containing 1.00 acre.

Subject to existing assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, of record, if any.

