MOONEY LAW FIRM, P.A.

ATTORNEYS AT LAW 401 S. MAIN - P. O. BOX 1428 JONESBORO, ARKANSAS 72403-1428

CHARLES M. MOONEY, SR. CHARLES M. MOONEY, JR. CLARKE MIXON JAMES R. BARR PHONE: 870-935-5847 FAX: 870-935-4438 EMAIL: smooney@mlfark.com WEBSITE: mlfark.com

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March 16, 2009

VIA HAND DELIVERY

Otis Spriggs, Planning and Zoning Director Metropolitan Area Planning Commission 307 Vine Street Jonesboro, AR. 72401

Re:

Robert Sartin - Application for Registration of a Nonconforming Use or Nonconforming Transfer

Location: 2918 Casey Springs Road

Dear Otis:

Robert Sartin of Sartin Services Complete Lawncare, Inc., by and through his attorneys, Mooney Law Firm, P.A., wishes to establish a nonconforming use at 2918 Casey Springs Road, Jonesboro, Arkansas. On or prior to December 4, 1989, the date the property was annexed into the City of Jonesboro, Arkansas, the property was being used for yard waste disposal and a compost site for said lawn care and landscape business. This use is not allowed in the current R-1 zone.

The nonconforming use consists of disposal of yard waste and hard fill. The documents we have submitted to substantiate the existence of the use between 1982 and the present time are attached.

If you need anything further on this matter, please advise me. Thank you for your consideration.

Cordially yours,

MOONEY LAW FIRM, P.A.

Charles M. Mooney, Sr.

CMMsr:bg enclosures

STATE OF ARKANSAS COUNTY OF CRAIGHEAD

Subscribed and sworn to before me this 16th day of March, 2009.

Notary Public

OFFICIAL SEAL
BELINDA GARRISON
NOTARY PUBLIC-ARKANSAS
CRAIGHEAD COUNTY
MY COMMISSION EXPIRES: 06-06-11



APPLICATION FOR REGISTRATION OF A NONCONFORMING USE OR NONCONFORMING TRANSFER CITY OF JONESBORO, ARKANSAS

307 Vine Street, Jonesboro, AR, 72401 (870) 932-0406; Fax (870) 336-3036; Website: www.jonesboro.org

Application number: NC
Owner: Sartin Services Complete Layprane, Inc.
Property Address: 2918 Casey Springs Road
City: Jonesboro State/Zip: AR 72404
Applicant Address: 3703 S. Culberhouse Road
City <u>Jonesboro</u> State/Zip: <u>AR 72404</u>
Phone: (870) 935-0357
Assessor's Parcel ID Number: 01–143271–01100
Zoning Classification: R-1 Current Use: Composting
Proposed Use: <u>I-2 L.U.O for composting</u>
Total Acres: 7.34
Required Documents (3 copies of each of the following):
Signed, typewritten <i>Justification of Expansion</i> statement addressing the items listed in this application form.
Site Plan; Plat of property boundary should be included.
Building Plans and Elevations of any structures, existing since date of Nonconformancy (please note any expansions)
Signage Details (wall and ground),
☐ Layout of any equipment or vehicular storage.
An application will not be accepted until and unless all of the above requirements are met.
Signature of Property Owner (required): RM Date: 3-11-09
Signature of Applicant (if not the Owner):

(over)

JUSTIFICATION OF NONCONFORMANCY STATEMENT

Robert and Rachel Sartin leased the property located at 2918 Casey Springs Road from Mr.
Floyd Wineland in 1982 for disposal of yard waste and hard fill from the operation of their
business, Sartin Services Complete Lawncare, Inc.

".

This property was leased for yard waste disposal from 1982 until August 11, 1994. At this time Robert and Rachel Sartin were then able to purchase the Casey Springs property from Mr. Wineland to secure continued use of the land for yard waste disposal and compost site for their growing lawncare and landscape business.

Robert Sartin was continuously using the land at 2918 Casey Springs Road for yard waste disposal, hard fill and compost site when the property was annexed by the City of Jonesboro on December 4th, 1989. At this time there were no permits, licenses or zoning requirements for the compost site.

In March, 1997 ADEQ notified Robert Sartin that the compost site was required to be officially licensed and permitted. Sartin Services Complete Lawncare, Inc. filed a notice of intent and applied for a Storm Water Permit and a Yard Composting Facility Permit in April, 1997. The site received approval for the Storm Water Permit on May 1, 1997. The Yard Waste Compost Permit was approved on November 4, 1997.

At this time Robert Sartin was unaware of any specific zoning ordinance required by the City of Jonesboro for operation of a compost site and yard waste disposal. As far Robert and Rachel Sartin knew, they had met the requirements of the City of Jonesboro and ADEQ when the compost site was permitted and licensed in November, 1997. The compost site has been in continuous operation as a disposal site for yard waste, hard fill and compost site since it was originally leased in 1982 until present time. Approximately Nineteen years after the city had annexed the property located at 2918 Casey Springs, the City of Jonesboro notified Robert Sartin by a letter dated October 18, 2008, Exhibit B, that the compost site was in violation of zoning regulations and ordered to stop all green waste operations immediately. There have been no prior notices from the City of Jonesboro regarding any zoning violations for 2918 Casey Springs property. Robert and Rachel Sartin, as owners of Sartin Services Complete Lawncare, Inc. have used the property at 2918 Casey Springs land as a yard waste disposal and compost site continuously since 1982 to present, which is before and after the City annexed the property in 1989 and should be allowed to continue to operate the site for the same purpose under the grandfather right. Please see attached affidavits, Exhibit A, as proof of the property being used as a yard waste and hard fill disposal and compost site prior to the City's annexation and after.

2. Currently there are no buildings, storage, fencing, lighting, or parking on the compost site. No buildings have been previously moved from this property since 1982. Any future plans will be directed by ADEQ requirements as they are mandated for yard waste facilities.

There currently is a natural barrier of some trees and grass surrounding the perimeter of the property. There is a fence and locked wire gate at the front entrance to the property. Current permits are posted on the fence at the front entrance, Exhibit 1. The land at 2918 Casey Springs currently has a small pond toward the front of the property and a drainage pond at the bottom of the property next to the City Landfill property. These ponds currently serve to catch runoff and prevent any sediments from leaving the compost site. Please see attached original survey maps included as Exhibit 2.

3. Robert Sartin has proposed to use the land adjacent to the compost site as a buffer between the current residents of the area and the compost site. The proposal would include a two acre pond with trees and evergreen shrubs planted around it to provide a noise barrier and privacy to the current residents living near the compost site. Please see attached proposed replat showing the new pond and landscaping as Exhibit 3.

Also included is a copy of our Operations Plan as Exhibit 4 that was formalized when the compost site was permitted in 1997. Please refer to this plan for methods that are currently in place to mitigate impacts on the surrounding properties and streams.

Robert J. Sartin

Rachel Sartin

County of <u>Craighead</u>

State of Arkansas

Acknowledged before me, this <u>13+h</u> day of <u>March</u>, <u>0009</u>

Notary Public /

My commission expires: $\frac{5/23/2013}{}$



City of Jonesboro Planning Department 107 Flint St., Jonesboro AR 72401 (870) 932-0406 Office (870) 933-4668 Fax

Date: October 16, 2008

ZONING VIOLATION WARNING

To: Robert Sartin 3703 S. Culberhouse Jonesboro, AR 72404

Re.: Property located directly west of 2914 Casey Springs Rd., West of Lion Heart Ln., East of Tall Birch Rd., North side of Casey Springs.

Violation: Collection and filling property site with composting materials/greenwaste without proper Zoning.

Dear Mr. Sartin,

This communication is sent to you, informing you of the violation(s) at the listed property. Our office has been notified and presented evidence that you have violated the Zoning Regulations regarding the use of the said site for filling of green waste.

Zoning Resolution: Section 14.44.04 Penalty for Violation

Any person, firm or corporation who shall violate any of the provisions of this zoning ordinance or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plans submitted and approved hereunder, shall be guilty of a class C misdemeanor and shall be liable to a fine of not more than five hundred dollars (\$500.00), nor less than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, firm or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

Per my conversation on the telephone with you on October 14, 2008, although there is an active permit issued by ADEQ for the green waste composting facility, such use of the property necessitates a rezoning from the existing R-1 Single Family Zoning District to an I-2 Industrial District. You are not permitted to bring in any form of waste or fill materials at the said location, without obtaining specific City approvals through the Zoning and/or Engineering Departments.

Unless you/your affiliates seek compliance or remedy this situation immediately, our office will take other action as allowed by Section 14.44.04 of the Jonesboro Code of Ordinances. I am attaching the

photograph that was emailed to our office notifying us of this occurrence on October 6, 2008, by William's Tree Service.

We are available to assist you with any questions that you may have regarding this matter at the contact information provided above.

Sincerely,

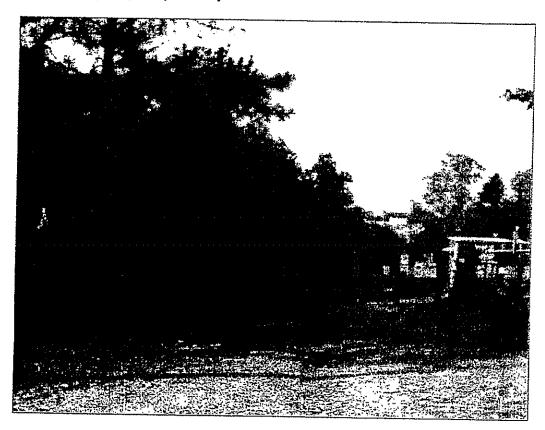
Otis T. Spriggs AICP

Planning and Zoning Director

cc.;

Erick Woodruff, Public Works Director

Craig Light, City Engineer Phillip Crego, City Attorney



Date: March 5th, 2009

County of C. raightad	
State of Arkansas	
Acknowledged before me, this	day of <u>March</u>
	nde Wolford Public
My commission expires: 5/23/2013	
CANDI WOLFORD Craighead County Notary Public - Arkansas My Commission Expires 5/23/2013	

Exhibit A

OFFICE: 2500 W. Washington Jonesboro, AR 72401 PH: (870) 935-3422 FX: (870) 932-0282

MAILING ADDRESS: P.O. BOX 129 Jonesboro, AR 72403



- Complete Lawn Maintenence
- Landscaping Design & Installation
- Rain Bird* Sprinkler Systems
- NightScaping* & Landscape Lighting

March 5, 2009

To Whom It May Concern:

I have been involved in the landscape and lawn care business in Jonesboro for 35 years. I leased a compost dumpsite from Robert Sartin in 1986 and 1987. However I was aware that Robert had been dumping at this site since 1982 or 1983. Robert was always very protective of this site, not to allow anything other than compost or hardfill to be dumped.

Sincerely,

Pope Lawn Care & Landscaping

Kelly D. Pope

Owner

County of Craighead	
State of Arkansas	
Acknowledged before me, this 544	day of <u>March</u>
	Candi Wilfind Notary Public
My commission expires: 5/23/2013	

1, <u>Soe M. Fryn</u> being duly sworn, depose and say as follows:
 Personally aware that the property located at 2918 Casey Springs Road had been used by Robert Sartin to dispose of green waste material and hardfill prior to the City of Jonesboro Annexation during the time period between 1982 and the current year of 2009.
2. Was hired by Robert Sartin as backhoe operator to cover yard waste and dump hardfill at this site during period that property was being leased by Robert Sartin from Mr. Floyd Wineland.
 Have personal knowledge that Robert Sartin was leasing 2918 Casey Springs Land from Mr. Floyd Wineland for yard waste and hardfill disposal from his business, Sartin Services Complete Lawncar Inc.
4. Have personal knowledge that Mr. Floyd Wineland owned this site during the time period betwee 1982 and 1989 and also using same site to dig gravel, sand and dispose of waste.
5. Have personal knowledge that Kelly Pope and Tommy Williams were also using the land at 2918 Casey Springs land for yard waste disposal and hardfill disposal.
Byos S. Culbirhouse Jonesboro, MR 7240
County of Craighead
State of Arkansas
Acknowledged before me, this 12th day of March day of March.
Candi Wolford Notary Public
My commission expires: 5/23/2013

I, Jimmy D. Hazelwood being duly sworn, depose and say as follows:

- 1. Have been employed as an employee with Sartin Services Complete Lawncare, Inc. during the time period between 1985 and the current year of 2009.
- As an employee of Sartin Services Complete Lawncare, Inc. during this time period, I personally took grass clippings, leaves, and shrub trimmings and any unusable hardfill to 2918 Casey Springs Compost site to dispose of as part of my daily job duties.
- 3. Have personal knowledge that other people were also using this site for green waste and hardfill during this same time period.
- 4. As an employee was aware that Robert Sartin was originally leasing the property located at 2918 Casey Springs Road before later purchasing it directly from the owner.
- 5. Have personal knowledge that the yard waste being disposed of at 2918 Casey Springs Land was being turned and buried for composting. Also personally aware that Mr. Floyd Wineland and Mr. Joe Irvin both pushed the compost site with dozers during this time period.

	So3 Jason Circle, Bono, AR 72416
County of <u>Craigheal</u>	1503 Susan Circle, 12000, FIR 16414
State of Arkansas	
Acknowledged before me, this 12 1/2 1/2 200 9	day of <u>March</u> ,
	Cand Wolford Notary Public
My commission expires: 5/23/2013	

Exhibit A

I, Freddy L. Prine being duly sworn, depose and say as follows:

- 1. Have been employed as an employee with Sartin Services Complete Lawncare, Inc. during the time period between 1981 and the current year of 2009.
- 2. As an employee of Sartin Services Complete Lawncare, Inc. during this time period, I personally took grass clippings, leaves, and shrub trimmings and any unusable hardfill to 2918 Casey Springs Compost site to dispose of as part of my daily job duties.
- 3. Have personal knowledge that other people were also using this site for green waste and hardfill during this same time period.
- 4. As an employee was aware that Robert Sartin was originally leasing the property located at 2918 Casey Springs Road before later purchasing it directly from the owner.
- 5. Have personal knowledge that the yard waste being disposed of at 2918 Casey Springs Land was being turned and buried for composting. Also personally aware that Mr. Floyd Wineland and Mr. Joe Irvin both pushed the compost site with dozers during this time period.

	513 545001 Circle, Boro, 19x 72416
County of Craighead	
State of Arkansas	
Acknowledged before me, this 12+h	day of <u>March</u> ,
	Candi Wolford Notary Public
My commission expires: 5/23/2013	
CANDI WOLFORD Craighead County Notary Public - Arkansas My Commission Expires 5/23/2013	

- I, Raymond Sartin, being duly sworn, depose and say as follows:
- Had personal knowledge as Robert Sartin's father that Robert Sartin has been disposing of yard
 waste and hardfill at 2918 Casey Springs Land from early spring 1988 to 2008. Robert took me in his
 truck to the compost site in early spring 1988 and watched yard waste being dumped and buried
 there.
- 2. Have personal knowledge that the yard waste being disposed of at 2918 Casey Springs Land was being buried and covered weekly as required by his agreement with the land owner.

	Raymond Sontin-
	4308 Hickory Jone Joneboro and 72401
County of Craighead	
State of Arkansas	
Acknowledged before me, this $\frac{13+1}{2009}$.	day of <u>March</u>
	Carry Public
My commission expires: <u>5/23/2013</u>	



March 13, 2009

To whom it may concern:

My name is Carolyn Wilson. I am an agent and account manager for Town & Country Insurance. I came to work for Town & Country Insurance in March, 1984 and began providing administrative service to Sartin Services Complete Lawn Care account shortly thereafter.

I am fully aware of the yard waste disposal Robert Sartin has at 2918 Casey Springs Road as we have had that location insured since I started servicing their account in 1984 until today's present date, March 13, 2009.

Cool Wilson
Name 100 Church St. Tonoboro, A.R. 72411
Address
County of: <u>Craighead</u>
State of Arkansas
Acknowledged before me, this 13^{+h} day of $March$, 3009
Richanne Chitmo
My commission expires: 5/7/14
COUP Shirt

I, Gene Barnett being duly sworn, depose and say as follows:

- 1. Was employed by the City of Jonesboro as Street Superintendent between the time period 1985 and 2004.
- Personally aware that Robert Sartin was using the property located at 2918 Casey Springs land to dispose of yard waste and hard fill from the operation of his business Sartin Services Complete Lawncare, Inc. prior to the City of Jonesboro Annexation dated December 4th, 1989.

 Personally saw Sartin Services vehicles hauling yard waste to the compost site many times while performing our daily job duties.

5116/1/2018 Carl

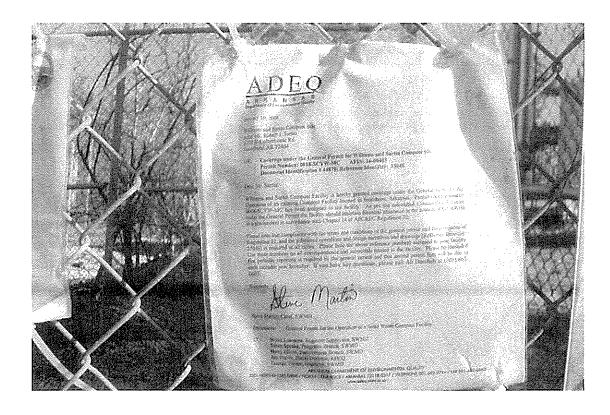
County of Craighead

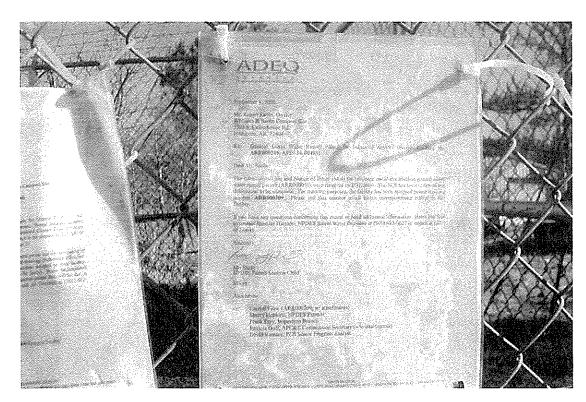
State of Arkansas

Acknowledged before me, this 13th day of March 2009.

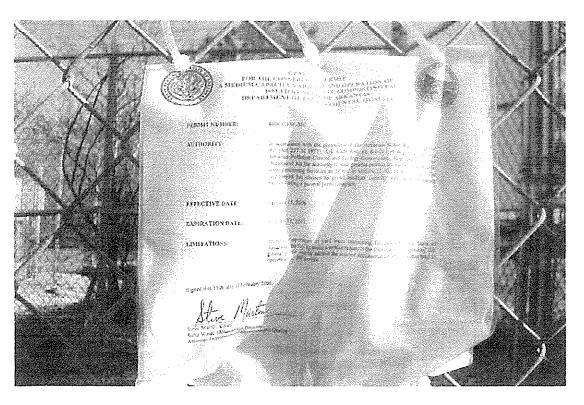
Notary Public

My commission expires: <u>5/23/2013</u>









SPECIFICATIONS AND OPERATION PLAN

FOR

COMPOSTING FACILITY

FOR

WILLIAMS AND SARTIN COMPOSTING SITE

SUPERVISION

1.1 The site will be operated and maintained by the owner. owner has several full time employees that can be designated to perform the necessary daily tasks of operating the facility. The

FACILITY AND EOUIPMENT

2.1 There will not be any permanent nor temporary structures erected on the site for personnel because the facility will not be

open for public use.

- 2.2 The owner has an office located at 3703 S. Culberhouse where he operates his lawn care business. This office is where all business activities will be conducted for the composting facility. Also, this is where all equipment used on the compost facility will be repaired or maintained.
- 2.3 The owner will subcontract all earthwork necessary to prepare site, cover compost, and periodically make repairs to the site to correct erosion problems.
- 2.4 The entrance to the facility has a gate with a pad lock. remaining perimeter either has a ditch or woods along it. other access to the property by vehicle.

3. SITE PREPARATION

3.1 There is an all weather road from the entrance to the compost area. The road is to be maintained and repaired as required to provide vehicular movement within the site during wet weather.

3.2 There is to be installed an 18" cmp culvert under the road just prior to entering the composting area at the location shown on

the plans.

3.3 There is to be constructed a berm around the perimeter as shown on the plans to divert the surface water runoff from off site

adjacent property from entering the composting area.

3.4 There is to be constructed an impoundment pond as indicated on the plans to collect the surface water runoff developed from a 10 year reoccurring storm. Install silt fabric fence and straw bales as shown on the plans to prevent silt from entering the impoundment pond. Clean the silt away from as required and keep the fence maintained for proper operation.

3.5 Prepare the property on the south of the entrance road just north of the entrance gate for storage of non-composting materials. The stored materials shall be removed periodically and disposed of at an approved recycling center, solid waste landfill, or hazardous waste

disposal facility.

Page 2 Williams & Sartin Compost Site Specification and Operation Plan

4. COMPOSTING OPERATION

4.1 Owner shall construct, as shown on the plans, and maintain the all weather road, diversion drainage swales, berms, silt fence, and impoundment pond to minimize erosion and maintain wet weather

access to the facility.

4.2 Only vehicles authorized by the owner and with a key to the locked shall enter and dispose of acceptable compost waste. non-compostable waste shall be unloaded and stockpile at the designated place on the south side of the entrance road just north of the gate. All compostable shall be unloaded in the windrow being formed at the time of entry.

4.3 The compost shall be unloaded in a windrow beginning at the north end of the windrow and piled in 12' wide by 5' high windrows. This process shall continue in this orderly fashion starting with the windrow in the northeast corner of the site and progress to west in the north row, then start in east windrow in the south row, then

progress to the west in the same manner.

4.4 The windrows shall be covered with dirt on a monthly basis and turned periodically to insure the interior temperature does not exceed 140 degrees Fahrenheit. On the other hand do not turn the windrows to often causing the temperature to remain below 90 degrees Fahrenheit. Monitor the internal temperature and turn the windrows when appropriate until the temperature drops below 70 degrees Fahrenheit (approximately 120 days).

4.5 Remove the windrow from the processing area when the composting is complete and stockpile it in the compost complete designated area to be marketed to the public, or leave it in the windrow and remove it as needed for marketing to the public if there is adequate space for continued process of the incoming composting

material.

4.6 Keep a daily check on the compost windrows to insure that the interior temperatures are within the 90 to 140 degree Fahrenheit range to minimize odors.

4.7 In the dry season when the incoming composting material is dry water shall be added to control dust and insure that the

composting process is performed in the proper manner.

4.8 In the event that litter shall become a problem, the owner shall provide litter fences upstream of the prevailing winds to catch the litter and dispose of it in the proper manner.

4.9 Any authorized users found violating the proposed procedures for operation of the composting site shall be refrained from using the

site for disposal of their waste.

4.10 The owner (a lawn care company) shall market the composted material as a part of his business and offer the product to the public for use as a fertilizer.

Page 3 Williams & Sartin Compost Site Specification and Operation Plan

5. FIRE PROTECTION AND BURNING

5.1 Fire protection shall be provided to the site by the City of Jonesboro Fire Department.

5.2 Each piece of equipment and user vehicle shall be furnished with a fire extinguisher in an easily accessible location.

5.3 A general fire extinguisher model TCP-20, 201b. dry chemical, U.L. rating 8A80BC shall be used.

5.4 No smoking shall be allowed in the composting area while

present.

5.5 No burning shall be allowed on the site, unless written approval is granted by the Arkansas Department of Pollution Control

and Ecology.

- 5.6 In the event of a fire in the composting material on the site the fire shall be extinguished by covering the fire with soil. The fire shall be completely extinguished before the personnel leave the site unattended. No fire shall be allowed to burn itself out on the site.
- 5.7 The owner shall be notified immediately by the waste hauler in the event of a fire. Likewise, the fire department shall be notified also.

6. ALLOWABLE WASTE

6.1 Only yard waste shall permitted to composted at this site. These wastes include: grass clippings, leaves, shrubbery trimmings, and organic plant waste from a nursery operation.

7. FENCING
7.1 The entrance shall maintain a pad locked gate at all times to prevent the unauthorized use of the facility by the public. shall be locked each time the authorized personnel leave the facility.
7.2 Additional fencing shall be installed when unauthorized entry

into the facility occurs.

7.3 Only authorized personnel and subcontractors shall have a key to the lock.

SEDIMENTATION AND SURFACE WATER CONTROL

8.1 Off site surface runoff water shall be diverted around the composting area by a constructed earthen berm and drainage swale as shown on the plans.

8.2 The surface runoff water in the composting area shall be impounded in the northwest corner. The impoundment shall be maintained to have a capacity of impounding a 10 year 24 hour storm occurrence.

8.3 A silt fabric fence and straw bales shall be installed and maintained around the perimeter of the impoundment to prevent the collection of sedimentation in the impoundment.

8.4 The impoundment shall be inspected periodically to insure the

size is sufficient to store the designed volume of runoff.

Page 4 Williams & Sartin Compost Site Specification and Operation Plan

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- 8.5 Install an 18" cmp culvert with a sluice gate through the levee of the impoundment to discharge the collected water after it has settled out to the required standards. The impoundment shall be discharged after each storm occurrence to insure the necessary capacity is available in the event of another storm.
- 8.6 If the impoundment does not settle out in a timely manner then only enough hydrated lime to settle the suspended solids should added prior to discharge. Care shall taken as to not unbalance the pH of the discharged water.
- 8.7 The impoundment size was determined to contain a 10 year 24 hr storm occurrence. Area = .009mi2; Runoff = 4.0"; Vol. retained = Q * Am * 53.33; Vol = (4.0)*(0.009)*(53.33) = 1.91 ac-ft = 83,328 ft3 Pond size = 150'*150'*5' top surface with 3:1 side slopes.

9. VEGETATION COVER

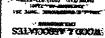
- 9.1 All disturbed areas not being used for the processing operation shall be fertilized, seeded, and mulched to obtain a vegetation cover to prevent erosion.
- vegetation cover to prevent erosion.

 9.2 The site shall be inspected for erosion and repaired with topsoil and reseeded and mulched if damaged.
- 9.3 The seed meet ARTD seeding specifications for the time of year being seeding.
- 10. TESTING AND INSPECTION
 10.1 The impoundment discharge water shall be tested prior to discharging to assure the discharge permit requirements are being met.



ANTIONS AND SWALLING COMPOST SITE

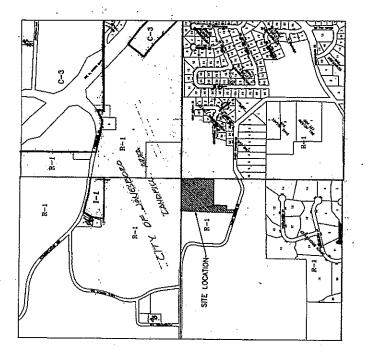






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1 MAP - SCALE:17-500

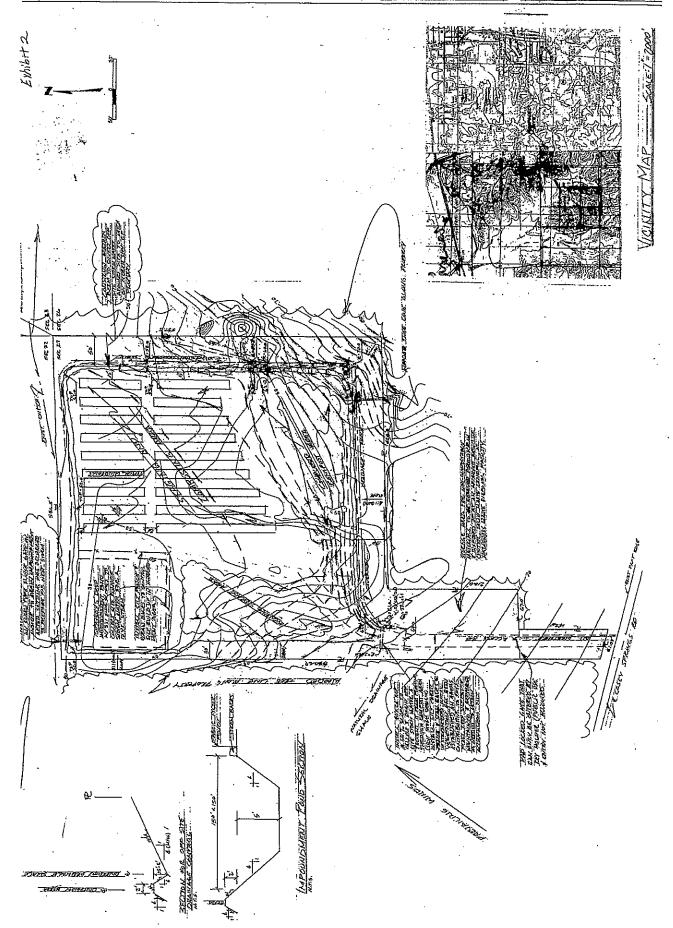


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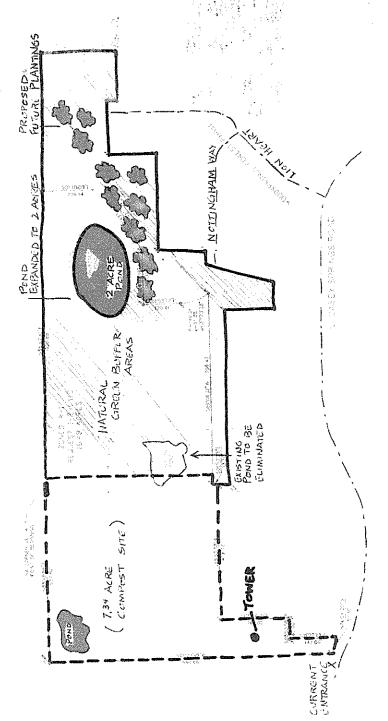
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