

A land use plan is meant to be just that, a plan. *Taylor v. City of Little Rock*, 266 Ark. 384, 583 S.W.2d 72 (1979). It is not to be legally binding on the city. *Id.* A comprehensive plan “is a policy statement to be implemented by zoning regulations, and it is the latter that has the force of the law.... Furthermore, a comprehensive plan, when it has been prepared by the planning board or agency, is generally deemed to be advisory, rather than controlling, and it may be changed at any time.” *Id.* at 387–88, 583 S.W.2d at 73–74 (citing 82 Am.Jur.2d *Zoning and Planning* § 69).

*City of Jacksonville v. City of Sherwood*, 375 Ark. 107, 114, 289 S.W.3d 90, 95 (Ark., 2008)



*City of Jonesboro Metropolitan Area Planning Commission*  
 Staff Report – AZ11-01/RZ 11-08: Hudson/McCall/R.&C. Gilbert  
 Huntington Building - 900 W. Monroe  
 For Consideration by the Commission on March 8, 2011

**REQUEST:** To consider an **annexation** and **rezoning** of 80.69 acres of land to a zoning classification Tract-1: 78.66 acres to C-3; 2.03 acres to RS-5 Single Family Residential, and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action.

**APPLICANT/  
 OWNERS:** Rex Gilbert, Connie Gilbert, Philip T. Hudson, Robert F. McCall, Sandra McCall, Jonesboro AR

**LOCATION:** 0.4 miles north of Farville Curve on west side of Highway 49North. West boundary is Cr 701. Current address is 449 CR701, 572 CR701, and 5693 Highway 49North

**SITE DESCRIPTION:**

Tract Size:	Approx. 80.69 +/- acres, 3,514,556 Sq. ft. +/-
Frontage:	Approx. 1,507.77 CR701 ft.; 971.16ft. on Hwy. 49N.
Topography:	Predominantly Flat, Gently Sloping
Existing Devolpmt.:	Single family/vacant

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	"Unzoned"	County Single Family Residential
South:	"Unzoned"	Oak Subdivison/Residential
East:	"Unzoned"	Vacant/Commercial/Residential
West:	"Unzoned" /"R-1"	Residential/Vacant

**HISTORY:** No History, County Land

**ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

**Approval Criteria- Section 14.44.05, (5a-g)- Amendments:**

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;

- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

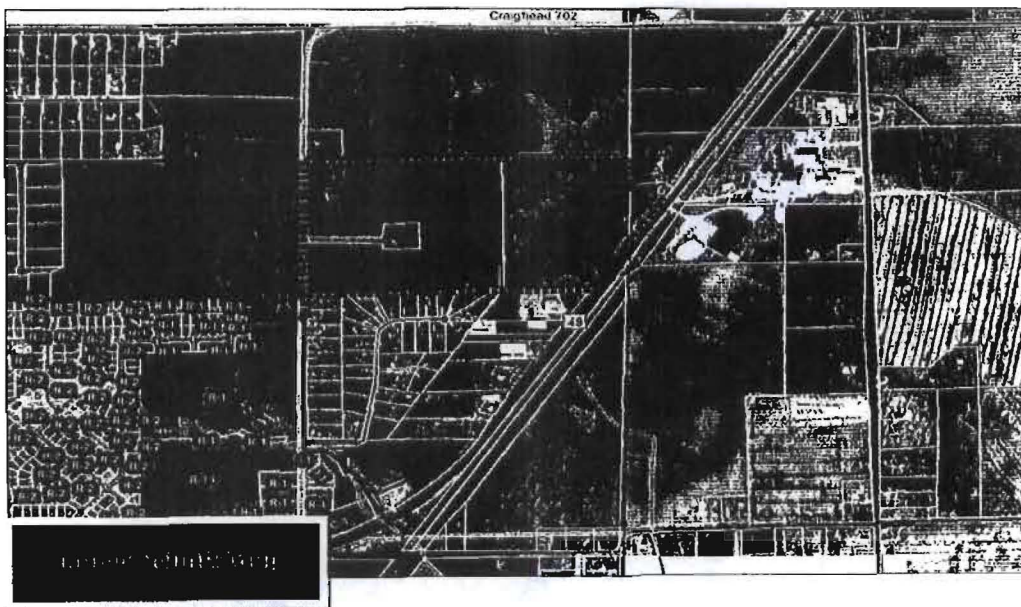
### **COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northeast Sector and to be recommended as a Single Family Residential District Area. This area was outside the city limits at the time of land use map adoption. No in-depth study was performed for areas in outlying County areas during the last update and adoption, therefore a vast amount of rural area was tagged as single family until additional data is obtained by our GIS coordinator. Staff anticipates that Jonesboro 2030 Vision Comprehensive Plan will allow us to give closer attention to areas that have the potential for annexation or large redevelopment.

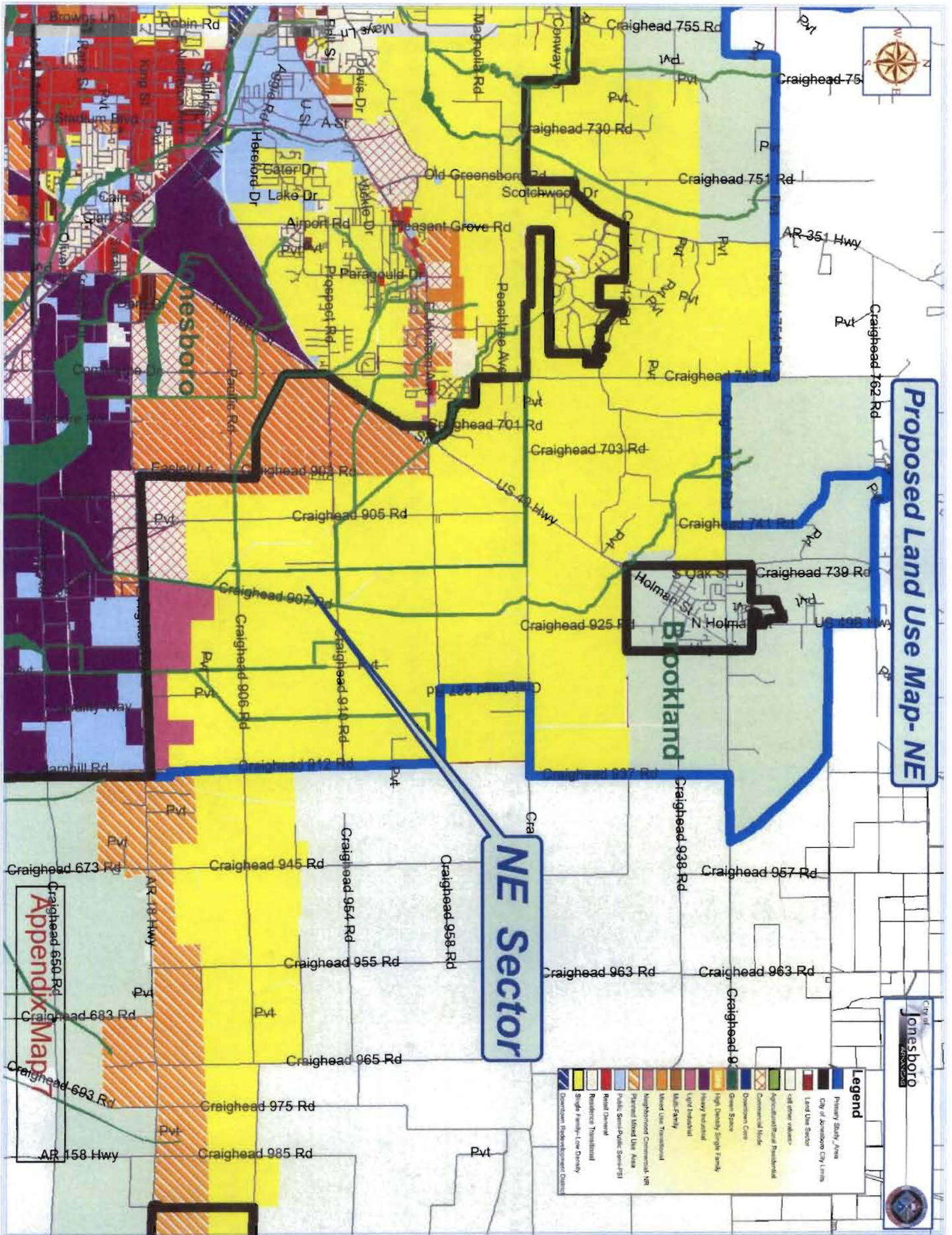
### **MASTER STREET PLAN/TRANSPORTATION**

The Jonesboro Master Street Plan adopted on January 5, 2010 shows Highway 49N to be a Principal Arterial, and Clinton School Road/CR 701 is a Collector Road. The annexation/rezoning plat delineates both Tracts with boundaries following the centerline of Clinton School Road, which would make one-half of the street right-of-way within the City and the other half in the County. The proposed right of way for Clinton School Road (CR701), a Collector Road is 80 ft. Improvements are necessary along CR701, which provides access to the West of the site; Highway 49N as a Principal Arterial currently has a right of way at 90 ft. to the centerline.

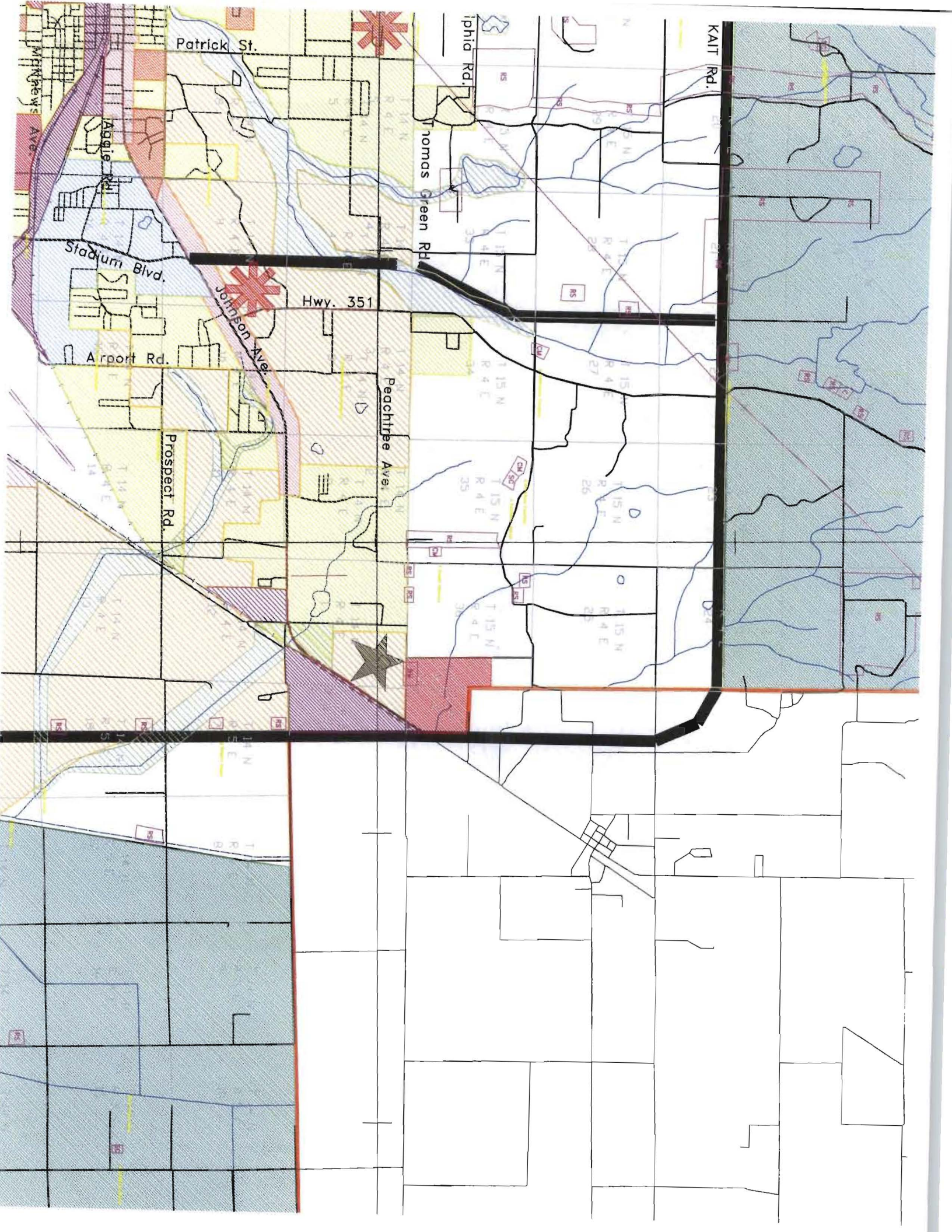
In pre-meetings with the Craighead County Fair Association representatives, City Administration has been made aware that a traffic analysis based on the proposed uses is underway by Peters & Associates. This will address some of the concerns that have been expressed concerning safety egress and ingress to the site. Coordination with the Arkansas Highway Department of Transportation will be required regarding the alignment of the new access/main entrance to the site to be cut along the Highway 49 frontage which will access the main parking areas. Service and vendors' access will occur from the western entry drive which will be gated and manned for traffic management.













# PROPOSED FAIRGROUNDS SITE, JONESBORO, AR





**Findings:**

The applicant proposes to have the subject property annexed and rezoned to accommodate a 10 year plan to develop a complete community activity center on Tract 1 having 78.66 acres +/- as **C-3 General Commercial**. In accordance with the Jonesboro Zoning Ordinance, Chapter 117, the site with its anticipated uses illustrated on site layout (attached) will accommodate indoor and outdoor recreational uses, which are permitted within the **C-3 General Commercial District**. Agriculture and farmers market type uses are permitted within the C-3 Zoning District, with animal agriculture allowed as a conditional use.

The nature of the proposed community event center is typically seasonal; therefore any impact on the surrounding community should pose as minimal and temporary, while providing for much needed open space and recreational area in this region of Jonesboro, which lacks community parks. In fact this use will provide for some active recreation, with the 1/2 mile walking trail amenity included in the proposal.

The proposed use of the subject property as a fairground/community events center could be built today (as of right) without any City input or approvals, absent of any Zoning restrictions or controls. Staff has no objection with the proposed seasonal use of the property. With the intention of the 78.66 acres to be developed as a large scale development, MAPC site plan approval is a must. Upon Site Plan Approval, final platting illustrating compliance with right of way requirements, landscape screening, as well as access drive and building locations will be reviewed in greater detail by the Commission.

**Police and Fire Safety**

The Jonesboro Police Chief has noted that the relocation of the fair grounds to the subject location will not cause a noticeable burden on crime or police safety enforcement. The distance to the nearest City Fire Station from the project site is 3.4 miles to the east property line, and 3.1 miles to the west property line. Therefore the city's current ISO rating will not be adversely affected. The Fire Chief has noted that he has no issues with the annexation/proposed rezoning. All future site plan and building permit approvals will be subject to fire marshal approval.

**Screening/Buffering:**

The applicant proposes to provide a landscape buffer zone along the western frontage (Clinton School Road, a landscape screening along the northwestern seasonal midway area, and landscape buffering including a masonry screening wall with landscaping along the southern boundary where residential homes currently exist. A final landscaping plan will be required as part of the site plan approval process.

**Parking:**

The applicant proposes to utilize the green parking technology for portions of the parking area which is a typical application for ball fields or outdoor recreational facilities. The porous flexible paving system is desirable where storm water runoff is a concern. The main customer area parking will be paved to accommodate 400 cars; with the remainder future parking and flex parking areas utilizing the flex paving system. All private drives and truck/service parking areas will meet the Zoning Code regulations.

**Conclusion:**

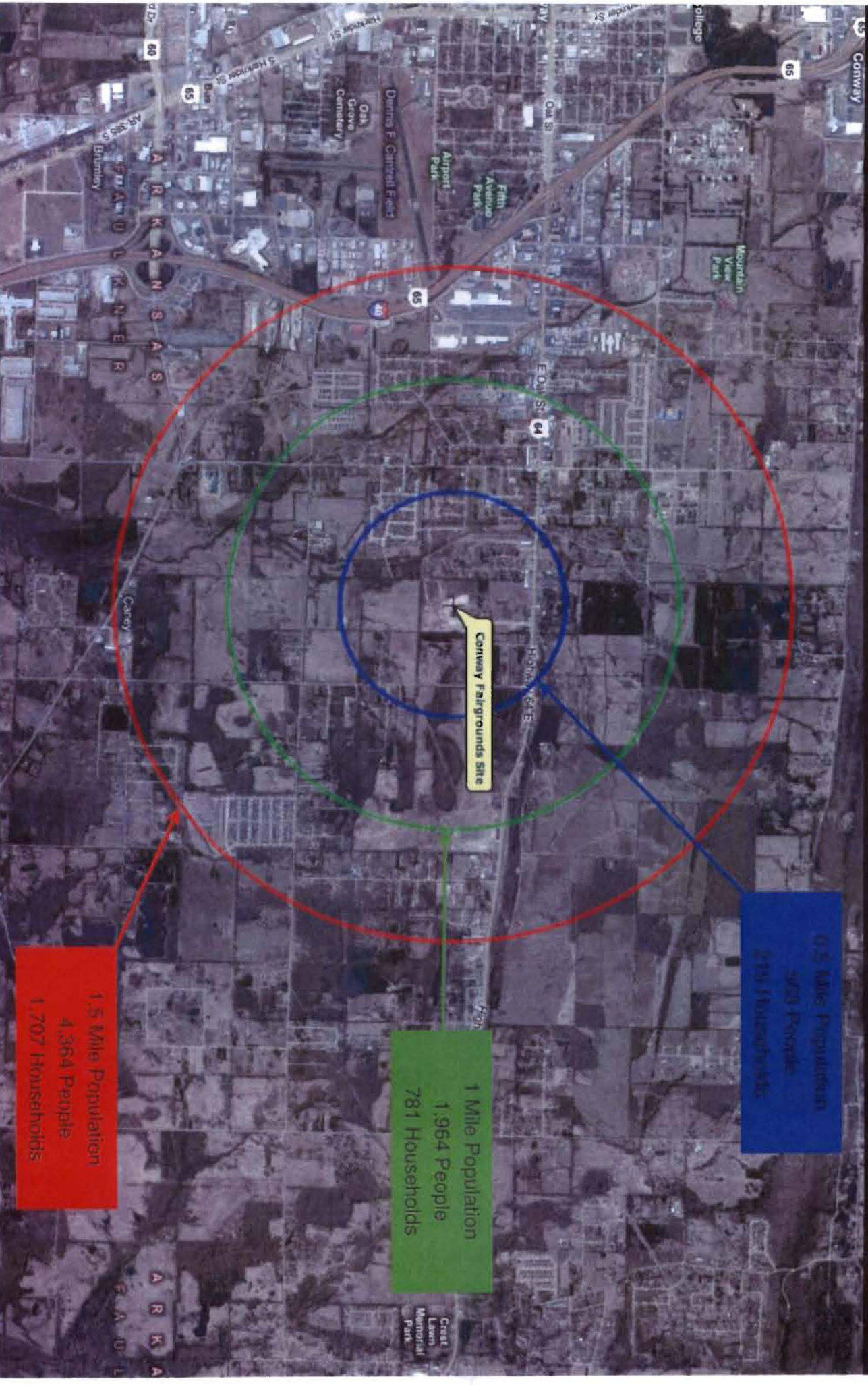
The Planning Department Staff finds that the requested Annexation/Zone Change submitted by Rex Gilbert, Connie Gilbert, Philip T. Hudson, Robert F. McCall, and Sandra McCall should be evaluated based on the above observations and criteria, of Case RZ11-08/AZ-11-01, a request to annex the subject property into the City limits as **RS-5 Single Family & C-3 General Commercial**, and should be recommended to the City Council with the stipulation that a future site be submitted and reviewed by the MAPC prior to any future redevelopment of the 78.66 acres.

Respectfully Submitted for Commission Consideration,

Otis T. Spriggs, AICP- Planning & Zoning Director



# CONWAY DEMOGRAPHICS AERIAL



Source: U.S. Bureau of the Census, 2000 Census of Population and Housing, ESRI forecasts for 2010 and 2015.



# JONESBORO DEMOGRAPHICS AERIAL

Sage Meadows

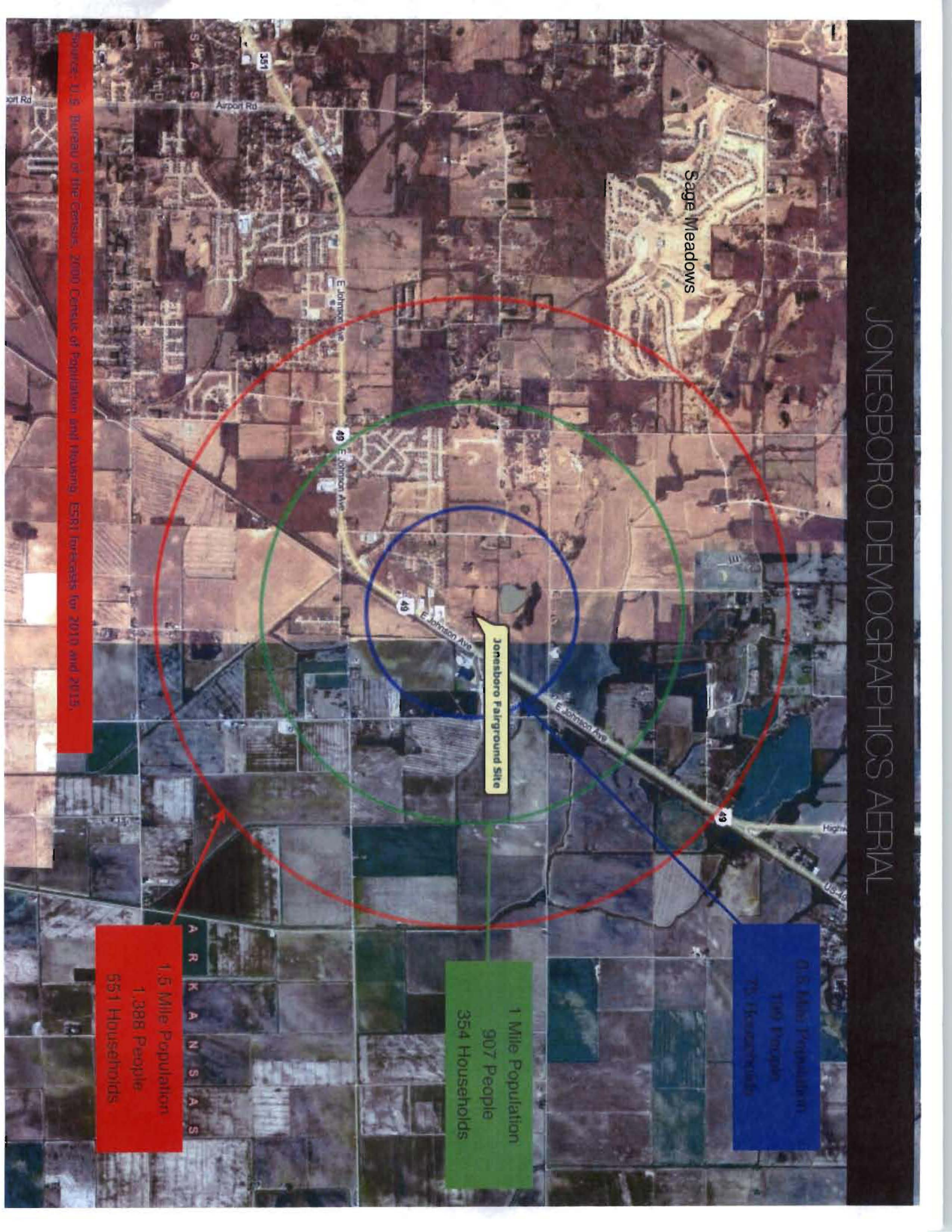
Jonesboro Fairground Site

0.5 Mile Perimeter  
194 People  
79 Households

1 Mile Population  
907 People  
354 Households

1.5 Mile Population  
1,388 People  
551 Households

Source: U.S. Bureau of the Census, 2000 Census of Population and Housing, ESRI forecasts for 2010 and 2015.





# COMPARATIVE DEMOGRAPHIC ANALYSIS

## Demographics:

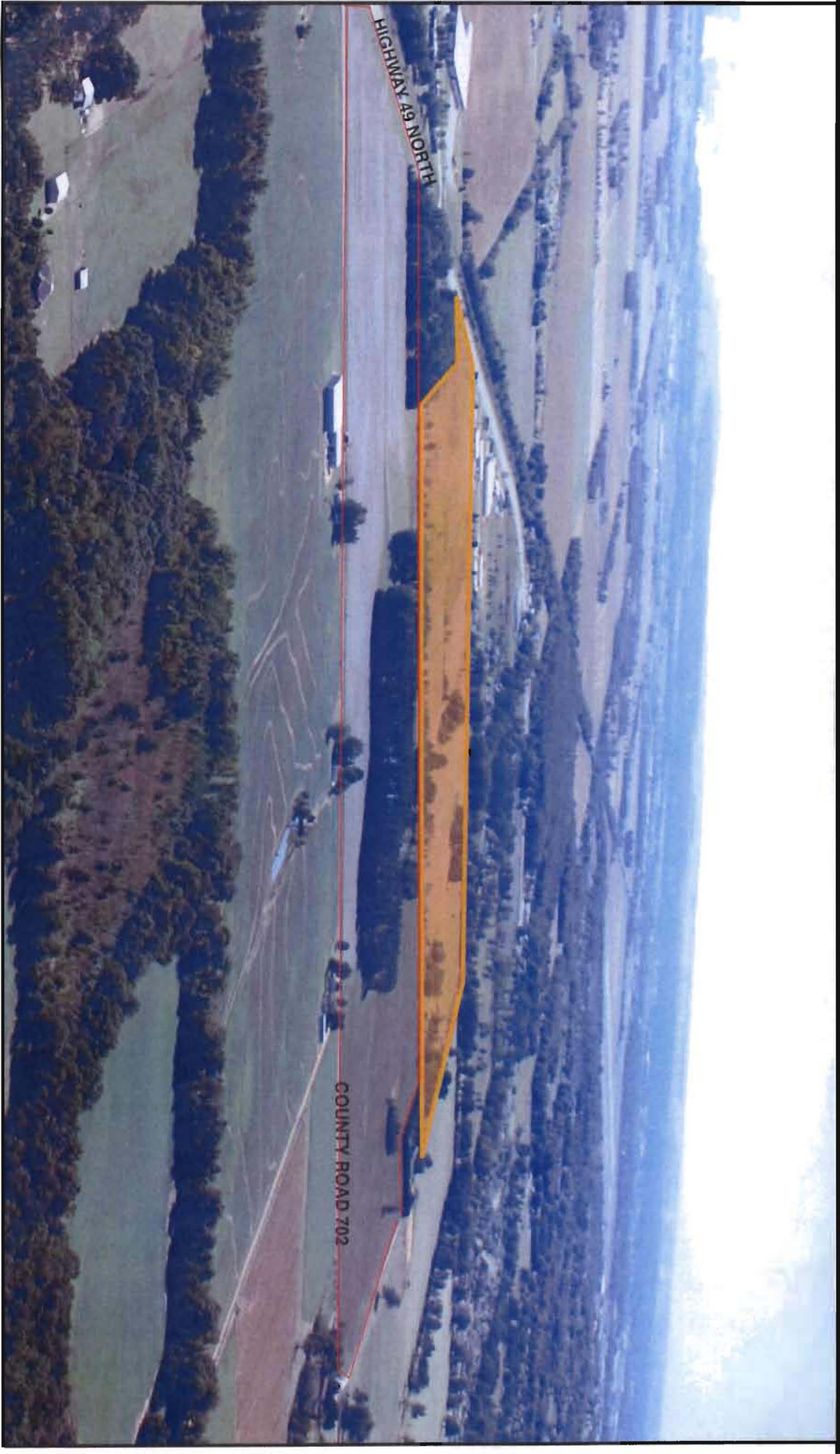
Radius	People		Households	
	Conway	Jonesboro	Conway	Jonesboro
0.5 Mile	563	199	219	75
1.0 Mile	1,964	907	781	354
1.5 Mile	4,364	1,388	1,707	551

## Results:

- Conway - Over 4,000 people within a 1.5 mile ring of the site
- Jonesboro - Only 1,707 people within a 1.5 mile ring of the proposed site



SITE FUNDITION - AERIAL 1





## Promises made to Adjoining Residents by Craighead County Fair Board

March 25, 2011

- A. We will install approximately 1,600 lineal feet of 8' tall masonry (block & brick combination) fence. This would be along the entire south property line of the fairgrounds property where it abuts the residential neighborhood. The location of this fence in relation to the existing fence row, the true property line, and the final decision on the existing vegetation and trees will be worked out with the property owners that adjoin directly the fairgrounds property. We will clean out this fence row of all brush and any large trees that the individual property owner affected wants removed. Our desire would be for the fence to be as close to the property line as possible.
- B. All entrances along CR 701 will be locked at anytime during the Northeast Arkansas District Fair unless proper personnel are on duty to allow vehicular traffic to enter or leave. These entrances are restricted as follows:
1. South entrance is for emergency and maintenance vehicles.
  2. Middle entrance is for fair workers and livestock exhibitors.
  3. North entrance is for fair workers.
- None of the entrance along CR 701 will be utilized for patrons attending the Northeast Arkansas District Fair.
- C. All heavy truck traffic making deliveries to the fairgrounds including the Mid-Way rides and exhibits will be delivered from Highway 49 and not along CR 701 or CR 702.
- D. We will assist in the annexation process for the residents of Oakwood subdivision and the residents along CR 701 that abut Oakwood Subdivision. This would include the attorney fees, surveyor fees, costs of publication, City of Jonesboro fees, recording fees, etc. It is the intent that there would be no out of pocket expenses to the residents to be annexed into the city.
- E. We will assist in the installation of sanitary sewer to the residents of Oakwood Subdivision and the residents along CR 701 that abut Oakwood Subdivision once they are annexed into the city. The sewer cannot be installed without the residences being annexed. This price is based on preliminary design by a licensed professional engineer that has experience in this type of work. His company is involved in this type of design continually within the City of Jonesboro.



The following is a recap of a firm proposal that the Craighead County Fair Board has solicited:

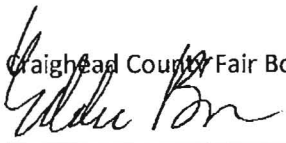
	Fair Board	Oakwood Subdivision
Clinton School West Side	\$*****	\$17,750.00
Southeast Main to Fair Site	\$*****	\$ 0.00
Along CR 705	\$*****	\$176,500.00
To Chastain Subdivision	\$*****	\$ 0.00
CWL Charges	\$15,000.00	\$ 0.00
Engineering	\$*****	\$11,000.00
Health Department	\$ 500.00	
Total	\$15,500.00	\$205,250.00

Total Cost for the sewer to connect to the 26 (?) residents along CR 705 and the 10 residents along CR 701 would be \$205,250.00 plus a portion of the \$15,500.00 CWL and Arkansas State Health Department charges.

The Craighead County Fair Board has agreed to pay for any costs above \$100,000.00 to connect the residents. This price includes yard lines, inspection fees, etc. for a complete connection to each individual home. There would be no additional charges to any homeowner that elects to allow the contractor to connect their existing sewer to the new CWL sewer system.

CWL will finance \$100,000.00 for 15 years at 6% interest. Total payment would be \$843.86 divided by the number of homes that sign finance agreement and allow their homes to be connected to the CWL sewer system.

It is the firm intent of the Craighead County Fair Board that the costs to the homeowners involved will not be any more than the \$100,000.00 that will be financed with CWL.

Craighead County Fair Board  
  
 \_\_\_\_\_  
 Eddie Burris, President

3/30/2011  
 date



Recommendations of this study are summarized as follows:

- It is recommended to install a traffic signal at the intersection of Highway 49 and Clinton School Road / Whitney Road. Traffic signal warrants are currently met with existing traffic volumes. The recommended signal control at this intersection would allow acceptable traffic operations and add needed safety and convenience for this intersection.
- It is recommended that Highway 49 be widened at the southbound approach to Drive A to accommodate the addition of an approximate 250-foot plus taper southbound right-turn lane coincident with the site development.
- It is recommended that intersection police control be used at the at the intersection of Highway 49 and Drive A during the annual six peak fair days.
- Traffic signal design at Highway 49 and Clinton School Road / Whitney Road must conform to AHTD and Craighead County design standards and will require approval by AHTD and the County.
- The new access drive intersection along Highway 49 must conform to AHTD and Craighead County design standards and will require approval by AHTD and the County.
- The new access drive intersections along Clinton School Road must conform to Craighead County design standards and will require approval by the County.



# COMPARATIVE TRAFFIC ANALYSIS

## Traffic Counts:

<b>Highway 64 East, Conway</b>	<b>22,000 CPD **</b>
<b>Highway 49, Farville Curve, Jonesboro</b>	<b>18,000 CPD</b>

\*\* = Traffic Count from 2009, prior to the opening of the Faulkner County Fairgrounds

## Results:

- The entrance of the Conway Fairgrounds Site has a slightly higher traffic count than the proposed Jonesboro Fairgrounds Site.

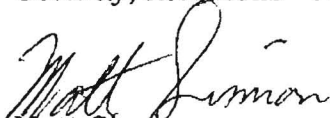


To whom it may concern:

We live in a beautiful area just outside of Conway that was chosen for the new fair grounds about 2 years ago. The fair grounds were relocated to the area just four tenths of a mile from our home last year. The Faulkner County Fair/Expo Center has caused some noise during the week of the fair but it is not much more than carnival music. We are on a busy highway and do notice the traffic is some heavier but not enough to cause trouble. I am a rural person at heart so the highway is more of a problem to me.

The complex has been a good neighbor to us. It is well kept, with interesting events through out the year. It has brought utilities to the area that was not here for neighboring homes before. I am sure because of its cost the city has made an effort to keep it safe and well patrolled. It is in their best interest to keep it a nice place to visit for many years to come. We have not opposed the fair grounds nor to my knowledge any of my neighbors were or are now opposed to it. The Real Estate value in this area has also gone up due to many more utilities along the highway.

Simon Brothers Dairy  
259 Hwy 64 East  
Conway, Arkansas 72032

  
Matt Simon





CITY OF CONWAY  
*Office of the Mayor*  
Mayor Tab Townsell

March 31<sup>st</sup>, 2011

Mayor Harold Perrin  
City of Jonesboro, AR  
515 W. Washington Avenue  
Jonesboro, AR 72401

Dear Mayor Perrin:

The City of Conway own and built the new Conway Fairgrounds and Expo Center which now houses the Faulkner County Fair. We have been the owner of the land on which the fair was formerly held for about six years. We purchased it from the Young Business Men's Association to take over the boy's baseball program and eventually redevelop the site into a modern boy's baseball complex. Part of the deal was that we would provide the YBMA group and the Faulkner County Fair Board an alternate space for the fair if redevelopment eliminated the old place for the fair.

As plans for the boy's ball complex proceeded we came to understand that the fairgrounds would have to be relocated if we were to achieve the number of ball fields and parking we needed. We started dialoguing with YBMA and Fair folks on new location and design. By the purchase agreement for the original fairgrounds, the city only had to replace what existed. Naturally, the Fair people advocated for upgrades, expansions, and improvements which the city at first resisted. Certainly nicer facilities was something the city was interested in but spending hundreds of thousands of dollars for upgrades seemed an unrealistic request of the Fair Board for a week and a half event when they were bringing scant resources to the table. However, as the city started recognizing the value and utility of the facility for the remaining 50 weeks of the year, we recognized that the city had an interest in a larger, quasi-convention center and display pavilion that worked very nicely into the requests of the Fair Board for new, expanded facilities.

Though the new Conway Fairgrounds and Expo Center is not yet fully complete (we have yet to finish out the 14,000sf Event Center connecting the 44,000sf Expo Center and the 54,000sf Pavilion) we have already booked over 30 events into the facility for this year and most of the events are programs that Conway had no other facility into which they could be accommodated. That means many more opportunities for revenue generation for Conway and its business community.

While we didn't initially plan to go this direction, the city and community and the Fair Board certainly are very pleased with the result and the future prospects. We are currently operating it very conservatively in its maiden budget year but we feel it will pay dividends in the long run even in the near future.

I hope this helps. Certainly good luck in your efforts and if you ever need any assistance don't hesitate to call.

Sincerely,

Mayor Tab Townsell  
City of Conway