



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Council Agenda City Council

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Tuesday, July 16, 2013

5:30 PM

Huntington Building

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### **PUBLIC SAFETY COMMITTEE MEETING AT 5:00 P.M.**

*City Council Chambers, Huntington Building*

### **NOMINATING & RULES COMMITTEE MEETING AT 5:15 P.M.**

*City Council Chambers, Huntington Building*

### **1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.**

### **2. PLEDGE OF ALLEGIANCE AND INVOCATION**

### **3. ROLL CALL BY CITY CLERK DONNA JACKSON**

### **4. SPECIAL PRESENTATIONS**

### **5. CONSENT AGENDA**

*All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.*

**MIN-13:056** Minutes for the City Council meeting on July 2, 2013

**Attachments:** [Minutes](#)

**RES-13:086** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM SAGE MEADOWS - POA FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Permanent Drainage Easement.pdf](#)

**Legislative History**

7/2/13	Public Works Council Committee	Recommended to Council
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**RES-13:094** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM LEE T. ROBERTS AND FAY D. ROBERTS FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

**Sponsors:** Engineering









**ORDINANCES ON THIRD READING**

**ORD-13:026** AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE FOR PROPERTY LOCATED AT 4021 SOUTHWEST DRIVE AS REQUESTED BY KAGLE & SHARON HUFF

**Attachments:** [Plat](#)

[Staff Summary RZ 13-07 Kagle Huff Council](#)

**Legislative History**

7/2/13                      City Council                                      Waive Second Reading

**ORD-13:028** AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-C FOR PROPERTY LOCATED ON THE EAST SIDE OF US 63, EXIT 40 BETWEEN WEST PARKER ROAD AND INGELS ROAD AS REQUESTED BY LOVE'S TRAVEL STOP

**Attachments:** [Plat](#)

[Traffic Engineer Recommendations](#)

[Staff Summary RZ 13-06 Loves Rezoning COUNCIL](#)

**Legislative History**

7/2/13                      City Council                                      Waive Second Reading

**8. MAYOR'S REPORTS****9. CITY COUNCIL REPORTS****10. PUBLIC COMMENTS**

*Public Comments are limited to 5 minutes per person for a total of 15 minutes.*

**11. ADJOURNMENT**



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** MIN-13:056    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** To Be Introduced  
**File created:** 7/8/2013    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** Minutes for the City Council meeting on July 2, 2013  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the City Council meeting on July 2, 2013



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, July 2, 2013

5:30 PM

Huntington Building

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### PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

#### PUBLIC HEARING AT 5:15 P.M.

*Regarding an abandonment of part of the undeveloped portion of Avenir Place cul-de-sac, lying at the west end of the platted right-of-way of Avenir Place as requested by RD&D Investments.*

*Mr. Terry Bare, representing the applicants, explained Avenir Place was not build to code. There are several businesses utilizing the right of way as part of their parking area. The Wrights would like to abandon a portion of the cul de sac right of way in order to expand their parking area. As he understands, the City has no plans to build a cul de sac, nor do the owners.*

*Councilman Street noted there was no letter from the Engineering Department and asked if there was a reason for the City not to abandon the area. City Engineer Craig Light explained they are asked to reserve right of way on dead end streets. At one time it was 50 feet of right of way and the cul de sac. That is what is reserved on this street. They do not have intentions of building the cul de sac at this time, but they are unsure of what will happen in the future when the area develops more. The City could possibly be purchasing the right of way to build the cul de sac. Mr. Light stated either the City can retain right of way in accordance with the ordinance or give up the whole road, which makes more sense to him since it is not a City street. Councilman Street stated according to what they have been shown it looks like the City has already given up the area since it's been built on all the way down. Mr. Light stated they have built it, but he would be more apt to agree with abandoning the whole right of way as opposed to just a portion of it that may hinder the City in the future.*

#### 1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

#### 3. ROLL CALL BY CITY CLERK DONNA JACKSON

**Present** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

**Absent** 1 - Chris Gibson

#### 4. SPECIAL PRESENTATIONS



**COM-13:045** Quality of Life presentation by Lt. Todd Nelson

**Sponsors:** Mayor's Office and Code Enforcement

**Attachments:** [Presentation](#)

*Lt. Todd Nelson, director of Quality of Life, explained their purpose is crime prevention. He discussed the department and noted they also work with the Housing Authority regarding crime on their properties. They have had 18 training sessions with the Housing Authority and 12 grievance hearings. They have had 47 clients that JURHA removed from housing this year, but the housing has since been filled due to an 18-month waiting list. Regarding condemnations, 34 properties have been condemned and either taken down or removed this year. He provided the Council with a report detailing this year's condemnations.*

*He then discussed multi-family housing. He stated most of the problems are from what comes along with multi-family housing, such as crime. They are looking to start a crime-free multi-family housing program. It will be similar to neighborhood watches, but made for multi-family housing. They will be attending training for the program. The program consists of training for property managers. They will also encourage maintenance workers attend the training as well as the owners. They will be doing day and night safety inspections to look at safety issues and what property owners can do to create an environment that is hostile towards crime. They will also encourage property owners to get to know their tenants to produce a more stable environment.*

*He encouraged everyone to visit the website [www.crime-free-association.org](http://www.crime-free-association.org) for more information. They hope to roll the program out in September.*

**This item was Read.**

## **5. CONSENT AGENDA**

### *Approval of the Consent Agenda*

**A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, to Approve the Consent Agenda. The motioned PASSED**

**Aye:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

**MIN-13:052** Minutes for the City Council meeting on June 18, 2013

**Attachments:** [Minutes](#)

**This item was PASSED on the consent agenda.**

**RES-13:087** RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

**Sponsors:** Mayor's Office

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-082-2013

## **6. NEW BUSINESS**

### *ORDINANCES ON FIRST READING*

**ORD-13:026** AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE FOR PROPERTY LOCATED AT 4021 SOUTHWEST DRIVE AS REQUESTED BY KAGLE & SHARON HUFF

**Attachments:** [Plat](#)  
[Staff Summary RZ 13-07 Kagle Huff Council](#)

*Councilman Street offered the ordinance for first reading by title only.*

*Councilman Street questioned whether this will be next to the north end of Griffin Park. City Planner Otis Spriggs answered it will be very close to that site in that it is one property shy of the north end of Griffin Park. Councilman Street then asked if there was any opposition. Mr. Spriggs answered no.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, to Waive Second Reading . The motion PASSED with the following vote:**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

**ORD-13:027** AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141

**Attachments:** [Adjacent property owner consent](#)  
[Utility Letters](#)  
[Plats](#)  
[Planning Letter](#)  
[Petition](#)  
[Letter regarding Centerpoint Energy](#)

*Councilman Moore offered the ordinance for first reading by title only.*

*Councilman Moore clarified that the City Engineer recommended either abandoning all of the street or none of it. Mayor Perrin agreed. Councilman Vance noted if they decide to abandon the whole street, the other properties owners need to understand what their responsibilities will be once that happens. Mayor Perrin recommended holding the ordinance at one reading and allowing the administration to visit with the*

*other property owners in order to have a full recommendation for the Council.*

**A motion was made by Councilman Darrel Dover, seconded by Councilman Rennell Woods, that this matter be Held at one reading . The motion PASSED with the following vote:**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

**ORD-13:028**

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-C FOR PROPERTY LOCATED ON THE EAST SIDE OF US 63, EXIT 40 BETWEEN WEST PARKER ROAD AND INGELS ROAD AS REQUESTED BY LOVE'S TRAVEL STOP

**Attachments:** [Plat](#)  
[Traffic Engineer Recommendations](#)  
[Staff Summary RZ 13-06Loves Rezoning COUNCIL](#)

*Councilman Street offered the ordinance for first reading by title only.*

*Mr. Spriggs stated this issue was recommended unanimously by the Planning Commission. It is a planned unit development in which Love's is proposing a mixture of uses on the site, with a truck stop/convenience store/restaurant and a future hotel. There were a number of issues brought up by the traffic engineer. Love's has agreed to address those site plan issues at the Planning Commission level after passage of the rezoning ordinance. Consistency has been achieved with the Land Use Plan and they have coordinated it with the Master Street Plan. Mayor Perrin noted they have also worked closely with the Highway Department due to the development's proximity to Highway 63.*

*Councilman Moore questioned whether there was any opposition. Mr. Spriggs answered no.*

**A motion was made by Councilman Gene Vance, seconded by Councilman Charles Coleman, to Waive Second Reading . The motion PASSED with the following vote:**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

**RESOLUTIONS TO BE INTRODUCED**

**RES-13:099**

RESOLUTION TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REZONING OF PROPERTY FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL FACILITIES WHILE THE CITY REVIEWS PROPOSED CHANGES TO ITS ZONING REGULATIONS; AND FOR OTHER PURPOSES

*Councilman Moore explained there were changes made to the resolutions that included the moratorium being effective until January 16, 2014, as recommended by the City Attorney and Mayor. He motioned, seconded by Councilman Street, to place the amended resolution on the agenda. All voted aye.*

Mayor Perrin explained he has been working with the City Attorney regarding the resolution and they wanted to make a drop date on the resolution. Whether or not the resolution is passed, a committee will be appointed by the Mayor's Office to make recommendations. He hopes they can have some recommendations before January. He stated the purpose is to foster proper growth and development within the City.

Councilman Fears requested at least two Council members be appointed to the committee the Mayor will be appointing. He expressed concern about recent letters to the editor and stated when he votes for or against an issue he has the best interest of the City at heart.

Councilman Moore asked if the committee appointments will be coming at the next Council meeting. Mayor Perrin answered yes, adding he will also make monthly updates to the Council on the committee's work. He also asked the Council to send him, via email, concerns that they would like to see addressed within this study.

Councilman Woods stated he has heard concerns about the Fair Housing Act and how this moratorium could affect that. He questioned whether there could be any ramifications in that the City could get blamed for not providing equal housing. City Attorney Phillip Crego explained a moratorium of any sort is an extreme measure. But, he thinks the Mayor's committee plan and the January 16th deadline will help the City. He noted there is housing available and existing properties that are zoned multi-family that will not be affected. He doesn't think this is an arbitrary decision and the City will be fine.

Councilman McCall stated it was his understanding there was enough multi-family property in the City to accommodate 2,200 to 2,400 apartments. Mr. Spriggs agreed, explaining that was a minimum number based on what is currently rezoned and available for permit application. It does not include lots that could be redeveloped. Councilman McCall added it would be nice if there would be concessions for people who would be willing to purchase run down properties and fix them up. City Attorney Crego noted that could be part of the moratorium in that the moratorium is to study how the City will develop in the future. Anything that is currently zoned for development can continue under the current process with site plans, permits and inspections. He thinks with this proposed process and deadline he thinks it will stand up to any judicial scrutiny.

Councilman Vance, Councilman Woods and Councilman Coleman expressed interest in the Mayor forming a committee and bringing recommendations to the Council without the use of a moratorium. Councilman Moore stated he would be surprised if the process would take the whole six months. Councilman Fears added everyone needs to start working together in order to get the plan going. Further discussion was held concerning the moratorium.

Mayor Perrin explained the study can be done without the moratorium, but that will allow people to come up and request rezonings during that period. He noted the administration is ready to go to work and have already put together maps and started looking at things.

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed. With a vote of 6-5, Mayor Perrin voted to pass the measure.**

**Aye:** 6 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson and Tim McCall

**Nay:** 5 - Ann Williams; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

Enactment No: R-EN-083-2013

## **7. UNFINISHED BUSINESS**

### *ORDINANCES ON THIRD READING*

**ORD-13:024** AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 FOR PROPERTY LOCATED AT 909 SOUTHWEST DRIVE AS REQUESTED BY LOUIS & PAULA WEWERS

**Attachments:** [Plat](#)  
[MAPC Report](#)

**A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED with the following vote:**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

Enactment No: O-EN-023-2013

## **8. MAYOR'S REPORTS**

*The Mayor reported on the following items:*

*They are continuing to work on the Miracle League field. He encouraged everyone to look at the progress that is being made.*

*Jim Von Tungeln is still working with the staff. They will be ready to move forward with the Master Land Use Plan and Master Street Plan. The multi-family study will be incorporated into that.*

*The Arkansas Softball Association had their state tournament at Southside . And a Children's Advocacy meeting was held for the first time in northeast Arkansas.*

*The 911 Committee met. Director Jeff Presley is working to get the tower painted and new lighting and wiring up, which will benefit the whole county.*

*He wished everyone a happy Fourth of July.*

## **9. CITY COUNCIL REPORTS**

## **10. PUBLIC COMMENTS**

### **Discussion by Ms. Debbie Pelley concerning the moratorium ordinance**

*Ms. Pelley stated her concerns have already been addressed.*

**11. ADJOURNMENT**

**A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this meeting be Adjourned . The motion PASSED with the following vote:**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

**Absent:** 1 - Chris Gibson

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Harold Perrin, Mayor**

**Attest:**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Donna Jackson, City Clerk**



Legislation Details (With Text)

**File #:** RES-13:086    **Version:** 1    **Name:** Permanent drainage easement from Sage Meadows  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 6/4/2013    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM SAGE MEADOWS - POA FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS  
**Sponsors:** Engineering  
**Indexes:** Easement  
**Code sections:**  
**Attachments:** [Permanent Drainage Easement.pdf](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM SAGE MEADOWS - POA FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS  
WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements:

A part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 15 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: Beginning at the Southwest Corner of Lot 213A of the Replat of Sage Meadows - Phase II-B, recorded in Plat Cabinet "C" Page 62, thence North 280± feet to the South Right-of-Way of Winged Foot Lane; thence Northeasterly along said Right-of-Way 35± feet; thence South 250± feet to the Northwest Corner of said Lot 213A; thence South 30° 56'48" West 61.33 feet to the point of beginning.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## PERMANENT DRAINAGE EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration acknowledged being of value by the Grantors, receipt of which is hereby acknowledged, the undersigned GRANTORS SAGE MEADOWS - POA, do hereby grant, convey and release unto City of Jonesboro, Jonesboro, Arkansas and unto its successors and assigns, an easement and right of entry in, over and across the following described land situated in the City of Jonesboro, County of Craighead, State of Arkansas, to-wit:

**A part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 15 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: Beginning at the Southwest Corner of Lot 213A of the Replat of Sage Meadows - Phase II-B, recorded in Plat Cabinet "C" Page 62, thence North 280± feet to the South Right-of-Way of Winged Foot Lane; thence Northeasterly along said Right-of-Way 35± feet; thence South 250± feet to the Northwest Corner of said Lot 213A; thence South 30°56'48" West 61.33 feet to the point of beginning.**

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended. Nothing in the language of this easement shall be interpreted to preclude the record owners from maintaining the property on and around this easement for purposes related and pertaining to golfing.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 29 day of May, 2013.

Name Kevin Hodges - President / Board

Name \_\_\_\_\_

Signature [Handwritten Signature]

Signature \_\_\_\_\_

### ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Kevin Hodges to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 29 day of May, 2013.

[Handwritten Signature]  
Notary Public (Signature)

My Commission Expires: July 21, 2019

STEPHANIE L. BROWN  
NOTARY PUBLIC STATE OF ARKANSAS  
CRAIGHEAD COUNTY  
MY COMMISSION EXPIRES:  
July 21, 2019





## Legislation Details (With Text)

<b>File #:</b>	RES-13:094	<b>Version:</b>	1	<b>Name:</b>	Drainage easement from Lee and Fay Roberts
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	6/10/2013	<b>In control:</b>		<b>In control:</b>	Public Works Council Committee
<b>On agenda:</b>		<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM LEE T. ROBERTS AND FAY D. ROBERTS FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
<b>Sponsors:</b>	Engineering				
<b>Indexes:</b>	Easement				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Permanent Drainage Easement.pdf</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM LEE T. ROBERTS AND FAY D. ROBERTS FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements:

A part of the Southwest Quarter of the Southeast Quarter of Section 11, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: The South 20 feet of Lot 19 Block D of Throgmartin Estates, Phase 1 as shown by plat in Plat Cabinet B page 126, recorded on January 16, 1995.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## PERMANENT DRAINAGE EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

That Lee T. Roberts and Fay D. Roberts, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a permanent drainage easement the following described real property in Craighead County, State of Arkansas, to-wit:


*A part of the Southwest Quarter of the Southeast Quarter of Section 11, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: The South 20 feet of Lot 19 Block D of Throgmartin Estates, Phase 1 as shown by plat in Plat Cabinet B page 126, recorded on January 16, 1995.*

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 10<sup>th</sup> day of June, 2013.

Signature   
Lee T. Roberts

Signature   
Fay D. Roberts

### ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Lee T. Roberts and Fay D. Roberts to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 10<sup>th</sup> day of June, 2013.

Notary Public (Signature) 

My Commission Expires: 12/03/2019





## Legislation Details (With Text)

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<b>File #:</b>	RES-13:097	<b>Version:</b>	1	<b>Name:</b>	Sale of property at 508 W. Monroe to Bryant Marshall
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	6/12/2013	<b>In control:</b>		<b>In control:</b>	Public Works Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 508 WEST MONROE, JONESBORO, ARKANSAS TO BRYANT MARSHALL				
<b>Sponsors:</b>	Mayor's Office				
<b>Indexes:</b>	Property sale				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Building Facilities Minutes May 2013</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 508 WEST MONROE, JONESBORO, ARKANSAS TO BRYANT MARSHALL

WHEREAS, the City of Jonesboro, Arkansas desires to sell and did advertise the property at 508 West Monroe for sell; and

WHEREAS, Bryant Marshall desires to purchase property at 508 West Monroe, owned by the City of Jonesboro, Arkansas being more particularly described as follows, to wit:

The West 83 feet of Lot 10, Block 6, Flint's Addition, Craighead County, also know as 508 West Monroee, Jonesboro, Arkansas

WHEREAS, it is in the best interest of the City of Jonesboro that said property be sold to Bryant Marshall for the sum of \$16,500.00.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Jonesboro, Arkansas that:

Section 1: The Mayor and City Clerk are hereby authorized to execute the documents necessary to complete this transaction and accept the purchase price of \$16,500.00 due and payable at the time of closing by the buyer.

BUILDING FACILITIES MEETING  
TUESDAY MAY 28, 2013 2:00 p.m.  
MAYORS BOARD ROOM

PRESENT:

Mayor Harold Perrin  
LM Duncan, COO  
Craig Light, City Engineer  
Erick Woodruff, IT Director  
Keith Sanders, Facilities Director

Mike Yates, Chief of Police  
Otis Spriggs, Planning Director  
Steven Hales, Sr. Planner  
Terry Adams, Chief Building Inspector  
Barry Phillips

Absent: Gene Vance

The meeting was called to order. The minutes of the April 11, 2013 meeting were not able to be reviewed as they are on the laptop computer and not accessible at this time.

After review of the property summary a motion was made by Barry Phillips to deed the 8 acres located off Airport Road to Arkansas State University; seconded by Mike Yates. Motion passed unanimously. The Mayor will get with Dr. Welch and Dr. Hudson to discuss a "gentleman's agreement."

The property located at 508 W. Monroe was discussed as was 5300 C.W. Post Road; Keith Sanders made the motion to sell with a second by Barry Phillips. Motion passed unanimously.

Discussed the Earl Bell Center and YMCA as to what needs to be done with these buildings.

Meeting adjourned 2:45 p.m.



## Legislation Details (With Text)

**File #:** RES-13:098    **Version:** 1    **Name:** Sale of property at 5300 CW Post Road to Linda Wofford  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 6/12/2013    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 5300 C.W. POST ROAD, JONESBORO, ARKANSAS TO LINDA WOFFORD (ENGINES, INC.)  
**Sponsors:** Mayor's Office  
**Indexes:** Property sale  
**Code sections:**  
**Attachments:** [Building Facilities Minutes May 2013](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO SELL PROPERTY LOCATED AT 5300 C.W. POST ROAD, JONESBORO, ARKANSAS TO LINDA WOFFORD (ENGINES, INC.)

WHEREAS, the City of Jonesboro, Arkansas desires to sell and did advertise the property at 5300 C.W. Post Road for sell, and

WHEREAS, Linda Wofford (Engines, Inc.) desires to purchase property at 5300 C.W. Post Road, owned by the City of Jonesboro, being more particularly described as follows, to wit:

All of the Southeast Quarter of the Southwest Quarter of Section 26, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, lying North and East of the Right of Way of the Burlington Northern Railroad, formerly known as St. Louis & San Francisco Railroad, and lying North and West of the Right of Way of a Railroad Spur (20' each side of the existing tracks), containing approximately 5 acres.

WHEREAS, it is in the best interest of the COJ that said prperty be sold to Linda Wofford (Engines, Inc.) for the sum of \$16,000.00.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Jonesboro, Arkansas that:

Section 1: The Mayor and City Clerk are hereby authorized to execute the documents necessary to complete this transaction and accept the purchase price of \$16,000.00 due and payable at the time of closing by the buyer.

BUILDING FACILITIES MEETING  
TUESDAY MAY 28, 2013 2:00 p.m.  
MAYORS BOARD ROOM

PRESENT:

Mayor Harold Perrin  
LM Duncan, COO  
Craig Light, City Engineer  
Erick Woodruff, IT Director  
Keith Sanders, Facilities Director

Mike Yates, Chief of Police  
Otis Spriggs, Planning Director  
Steven Hales, Sr. Planner  
Terry Adams, Chief Building Inspector  
Barry Phillips

Absent: Gene Vance

The meeting was called to order. The minutes of the April 11, 2013 meeting were not able to be reviewed as they are on the laptop computer and not accessible at this time.

After review of the property summary a motion was made by Barry Phillips to deed the 8 acres located off Airport Road to Arkansas State University; seconded by Mike Yates. Motion passed unanimously. The Mayor will get with Dr. Welch and Dr. Hudson to discuss a "gentleman's agreement."

The property located at 508 W. Monroe was discussed as was 5300 C.W. Post Road; Keith Sanders made the motion to sell with a second by Barry Phillips. Motion passed unanimously.

Discussed the Earl Bell Center and YMCA as to what needs to be done with these buildings.

Meeting adjourned 2:45 p.m.



## Legislation Details (With Text)

**File #:** RES-13:100    **Version:** 1    **Name:** Right-of-way from First Security Bank  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 6/18/2013    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM FIRST SECURITY BANK TO ADD A RIGHT TURN LANE AT NORTHWEST CORNER OF STADIUM BOULEVARD AND NETTLETON AVENUE  
**Sponsors:** Engineering  
**Indexes:** Right-of-way  
**Code sections:**  
**Attachments:** [Dedication Deed.pdf](#)  
[Right-of-Way.pdf](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM FIRST SECURITY BANK TO ADD A RIGHT TURN LANE AT NORTHWEST CORNER OF STADIUM BOULEVARD AND NETTLETON AVENUE WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described right-of-way to add a right turn lane:

### RIGHT-OF-WAY STADIUM BLVD & NETTLETON AVENUE

A PART OF LOT 5 OF "REPLAT OF LOT 1 FLEEMAN FAMILY PARTNERSHIP", RECORDED 10/25/2005 IN PLAT BOOK C PAGE 171, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 89°46'31" EAST ALONG THE EXISTING NORTH RIGHT-OF-WAY OF NETTLETON AVENUE A DISTANCE OF 166.95 FEET TO THE PC OF A CURVE TO THE LEFT, SAID PC BEING THE POINT OF BEGINNING; THENCE ALONG SAID CURVE TO THE LEFT A DISTANCE OF 163.44 FEET TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF STADIUM BLVD, SAID CURVE HAVING A RADIUS OF 105.00 FEET AND CHORD OF NORTH 45°11'00" EAST 147.43 FEET, THENCE SOUTH 00°35'28" WEST ALONG THE EXISTING RIGHT-OF-WAY A DISTANCE OF 58.85 FEET; THENCE SOUTH 56°27'37" WEST ALONG THE EXISTING RIGHT-OF-WAY A DISTANCE OF 81.31 FEET; THENCE SOUTH 89° 46'31" WEST ALONG THE EXISTING NORTH RIGHT-OF-WAY OF NETTLETON AVENUE A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING, CONTAINING 786 SQUARE FEET OR 0.02 ACRES.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the right-of-way described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## DEDICATION DEED

### KNOW ALL MEN BY THESE PRESENTS:

That First Security Bank, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a public right-of-way the following described real property in Craighead County, State of Arkansas, to-wit:

#### **RIGHT-OF-WAY STADIUM BLVD & NETTLETON AVENUE**

*A PART OF LOT 5 OF "REPLAT OF LOT 1 FLEEMAN FAMILY PARTNERSHIP", RECORDED 10/25/2005 IN PLAT BOOK C PAGE 171, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 89°46'31" EAST ALONG THE EXISTING NORTH RIGHT-OF-WAY OF NETTLETON AVENUE A DISTANCE OF 166.95 FEET TO THE PC OF A CURVE TO THE LEFT, SAID PC BEING THE POINT OF BEGINNING; THENCE ALONG SAID CURVE TO THE LEFT A DISTANCE OF 163.44 FEET TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF STADIUM BLVD, SAID CURVE HAVING A RADIUS OF 105.00 FEET AND CHORD OF NORTH 45°11'00" EAST 147.43 FEET, THENCE SOUTH 00°35'28" WEST ALONG THE EXISTING RIGHT-OF-WAY A DISTANCE OF 58.85 FEET; THENCE SOUTH 56°27'37" WEST ALONG THE EXISTING RIGHT-OF-WAY A DISTANCE OF 81.31 FEET; THENCE SOUTH 89°46'31" WEST ALONG THE EXISTING NORTH RIGHT-OF-WAY OF NETTLETON AVENUE A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING, CONTAINING 786 SQUARE FEET OR 0.02 ACRES.*

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises, together with all rights and appurtenances thereto, unto said Grantee, its successors and assigns forever. It is understood and agreed that Grantee shall use said real property in the construction, improvement, reconstruction and maintenance of a public street and other public purposes.

Grantor promises that at the delivery of this deed lawfully seized of the interest hereby conveyed, that the same is free and clear of and from all and every lien and encumbrance whatsoever, subject only to easements, covenants and restrictions now of record, and that Grantor will forever warrant and defend the same unto Grantee against any lawful claim. Grantor hereby waives and releases Grantee from any and all claims for damages or compensation arising from the use of the real property conveyed by this deed for the purposes herein described.



IN WITNESS WHEREOF, the parties have executed this document this 14<sup>th</sup> day of JUNE, 2013.

First Security Bank

By: [Signature]  
Signature  
Print BRAO EDWARDS

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF CRAIGHEAD

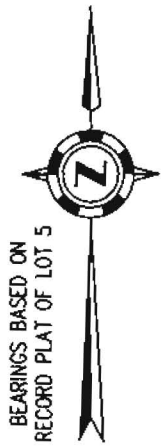
BE IT REMEMBERED that on this day before the undersigned, a Notary Public, duly commissioned, qualified and acting within and for the said county and state, that BRAO EDWARDS appeared in person and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 14 day of JUNE, 2013.

My commission expires: 09/08/19

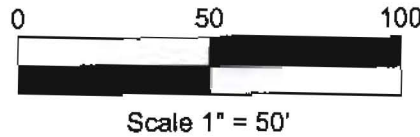
[Signature]  
Notary Public (Signature)





**LEGEND:**

- FOUND MONUMENT AS NOTED
- ⊙ SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED (BETTIS, P.S. 1572)
- △ CALCULATED POINT (NOT MONUMENTED)

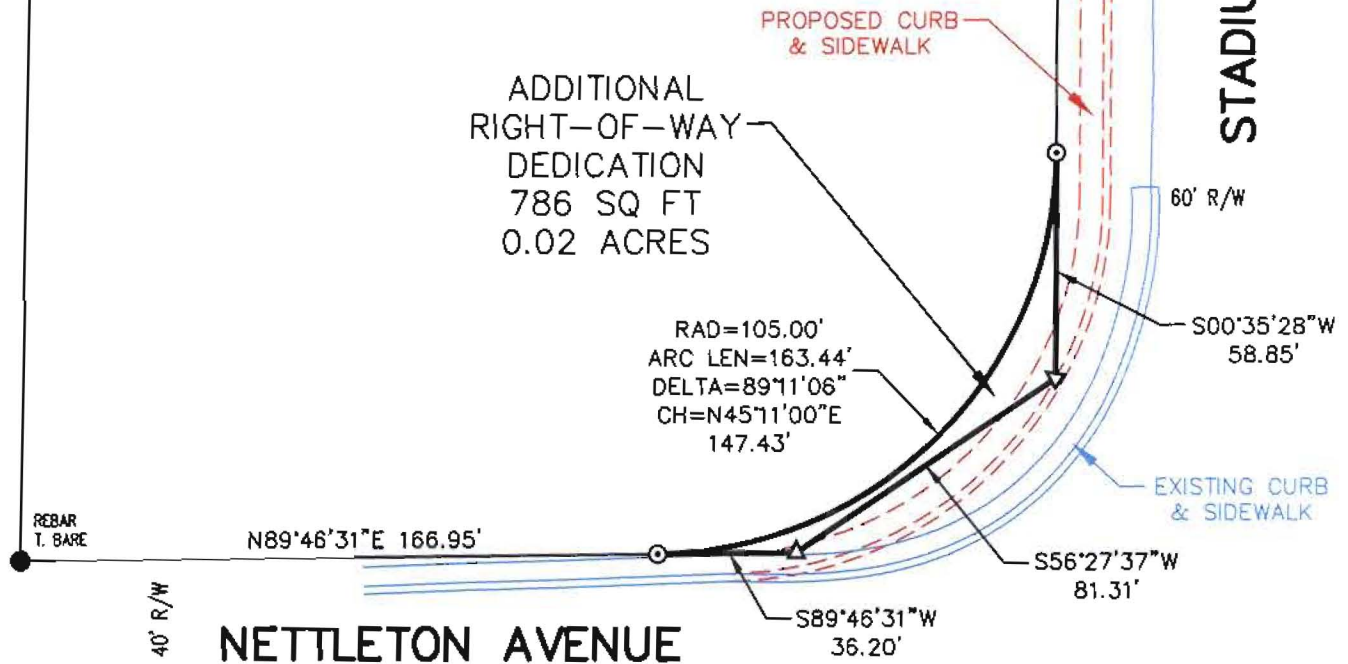


60' R/W

**STADIUM BLVD (HWY 49)**

**LOT 5**  
**REPLAT OF LOT 1 FLEEMAN**  
**FAMILY PARTNERSHIP**  
**BOOK C PAGE 171**

ADDITIONAL  
 RIGHT-OF-WAY  
 DEDICATION  
 786 SQ FT  
 0.02 ACRES



**LEGAL DESCRIPTION:**

A PART OF LOT 5 OF "REPLAT OF LOT 1 FLEEMAN FAMILY PARTNERSHIP", RECORDED 10/25/2005 IN PLAT BOOK C PAGE 171, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 89°46'31" EAST ALONG THE EXISTING NORTH RIGHT-OF-WAY OF NETTLETON AVENUE A DISTANCE OF 166.95 FEET TO THE PC OF A CURVE TO THE LEFT, SAID PC BEING THE POINT OF BEGINNING; THENCE ALONG SAID CURVE TO THE LEFT A DISTANCE OF 163.44 FEET TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF STADIUM BLVD, SAID CURVE HAVING A RADIUS OF 105.00 FEET AND CHORD OF NORTH 45°11'00" EAST 147.43 FEET, THENCE SOUTH 00°35'28" WEST ALONG THE EXISTING RIGHT-OF-WAY A DISTANCE OF 58.85 FEET; THENCE SOUTH 56°27'37" WEST ALONG THE EXISTING RIGHT-OF-WAY A DISTANCE OF 81.31 FEET; THENCE SOUTH 89°46'31" WEST ALONG THE EXISTING NORTH RIGHT-OF-WAY OF NETTLETON AVENUE A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING, CONTAINING 786 SQUARE FEET OR 0.02 ACRES.

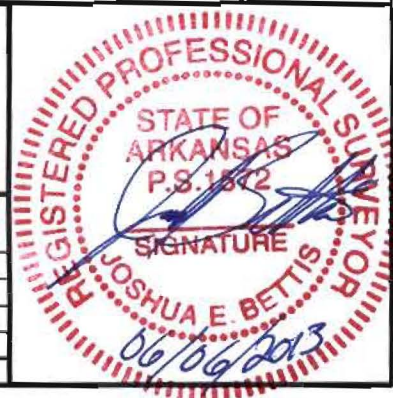


Engineering Department

P.O. Box 1845 Phone: (870) 932-2438  
 307 Vine Street Fax: (870) 933-4664  
 Jonesboro, AR 72401 cengineer@jonesboro.org

**RIGHT-OF-WAY  
 SURVEY**

DRAWING INFO		REVISIONS		
DRAWN BY:	BETTIS	DATE	BY	DESCRIPTION
DATE:	05-20-2013	06-06-2013	JEB	PROP RAW RADIUS
SCALE:	1" = 50'			
JOB NO:				
PLAT CODE:				





## Legislation Details (With Text)

<b>File #:</b>	RES-13:101	<b>Version:</b>	1	<b>Name:</b>	Permanent drainage easement from Thomas & Diana Roush
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	6/18/2013	<b>In control:</b>		<b>In control:</b>	Public Works Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM THOMAS ROUSH AND DIANA BROWN ROUSH FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
<b>Sponsors:</b>	Engineering				
<b>Indexes:</b>	Easement				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Permanent Drainage Easement.pdf</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM THOMAS ROUSH AND DIANA BROWN ROUSH FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements:

A part of Lot 10 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The Northeasterly 10 feet of Lot 10, being parallel and adjacent to the property line between Lots 10 and 11, as shown by plat in Deed Record 179 page 32.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## PERMANENT DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Thomas Roush and Diana Brown Roush, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a permanent drainage easement the following described real property in Craighead County, State of Arkansas, to-wit:

*A part of Lot 10 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The Northeasterly 10 feet of Lot 10, being parallel and adjacent to the property line between Lots 10 and 11, as shown by plat in Deed Record 179 page 32.*

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 13<sup>th</sup> day of June, 2013.

Signature [Handwritten Signature]  
Thomas Roush

Signature [Handwritten Signature]  
Diana Brown Roush

### ACKNOWLEDGMENT

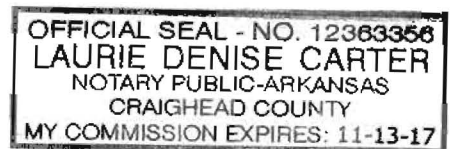
STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Thomas Roush and Diana Roush to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 13<sup>th</sup> day of June, 2013.

Notary Public (Signature) [Handwritten Signature]

My Commission Expires: 11-13-17





## Legislation Details (With Text)

<b>File #:</b>	RES-13:102	<b>Version:</b>	1	<b>Name:</b>	Permanent drainage easement from Barry & Sandra Bryant
<b>Type:</b>	Resolution	<b>Status:</b>			Recommended to Council
<b>File created:</b>	6/18/2013	<b>In control:</b>			Public Works Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM BARRY E. BRYANT AND SANDRA D. BRYANT FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
<b>Sponsors:</b>	Engineering				
<b>Indexes:</b>	Easement				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Permanent Drainage Easement.pdf</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM BARRY E. BRYANT AND SANDRA D. BRYANT FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements:

A part of Lot 12 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The West 10 feet of the North 190 feet of Lot 12 and a 20 foot wide strip beginning at the Southeast corner of Lot 3 thence Southeasterly across Lot 12 to the North corner of Lot 1, as shown by plat in Deed Record 179 page 32.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## PERMANENT DRAINAGE EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

That Barry E. Bryant & Sandra D. Bryant, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a permanent drainage easement the following described real property in Craighead County, State of Arkansas, to-wit:

*A part of Lot 12 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The West 10 feet of the North 190 feet of Lot 12 and a 20 foot wide strip beginning at the Southeast corner of Lot 3 thence Southeasterly across Lot 12 to the North corner of Lot 10, as shown by plat in Deed Record 179 page 32.*

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 2 day of JUNE, 2013.

Signature [Handwritten Signature]  
Barry E. Bryant

Signature [Handwritten Signature]  
Sandra D. Bryant

### ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Barry & Sandra Bryant to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 2 day of June, 2013.

Notary Public (Signature) [Handwritten Signature]

My Commission Expires: 11-13-17





## Legislation Details (With Text)

<b>File #:</b>	RES-13:103	<b>Version:</b>	1	<b>Name:</b>	Permanent drainage easement from Rebecca Cooper
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	6/18/2013	<b>In control:</b>		<b>In control:</b>	Public Works Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM REBECCA COOPER FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
<b>Sponsors:</b>	Engineering				
<b>Indexes:</b>	Easement				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Permanent Drainage Easement.pdf</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM REBECCA COOPER FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements:

A part of Lot 3 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The North 20 feet and the East 10 feet of Lot 3, as shown by plat in Deed Record 179 page 32.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## PERMANENT DRAINAGE EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

That Rebecca Cooper, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a permanent drainage easement the following described real property in Craighead County, State of Arkansas, to-wit:

*A part of Lot 3 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The North 20 feet and the East 10 feet of Lot 3, as shown by plat in Deed Record 179 page 32.*

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 25<sup>th</sup> day of May, 2013.

Signature \_\_\_\_\_

Signature Rebecca Cooper  
Rebecca Cooper

### ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Rebecca Cooper to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 25<sup>th</sup> day of May, 2013.

Notary Public (Signature) Laurie Denise Carter

My Commission Expires: 11-13-17







## Legislation Details (With Text)

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<b>File #:</b>	RES-13:104	<b>Version:</b>	1	<b>Name:</b>	Permanent drainage easement from Donald & Nancy Matthews
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	6/18/2013	<b>In control:</b>		<b>In control:</b>	Public Works Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM DONALD C. MATTHEWS AND NANCY L. MATTHEWS FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
<b>Sponsors:</b>	Engineering				
<b>Indexes:</b>	Easement				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Permanent Drainage Easement.pdf</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM DONALD C. MATTHEWS AND NANCY L. MATTHEWS FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS WHEREAS, , the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements:

A part of Lot 11 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The Southwesterly 10 feet of Lot 11, being parallel and adjacent to the property line between Lot 10 and 11, as shown by plat in Deed Record 179 page 32.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:  
CITY OF JONESBORO  
515 WEST WASHINGTON  
JONESBORO, AR 72401

The above space is reserved for Craighead County recording information.

## PERMANENT DRAINAGE EASEMENT

### KNOW ALL MEN BY THESE PRESENTS:

That Donald C. Matthews & Nancy L. Matthews, hereinafter referred to as Grantor (whether one or more), does hereby dedicate, grant and convey unto the Public, and that the CITY OF JONESBORO, a Municipal Corporation of the State of Arkansas, hereinafter referred to as Grantee, does hereby accept on behalf of the public, for use as a permanent drainage easement the following described real property in Craighead County, State of Arkansas, to-wit:

*A part of Lot 11 in Block "B" of Bob G. Bennett 2<sup>nd</sup> Subdivision of a part of the Southwest Quarter of Section 32, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: The Southwesterly 10 feet of Lot 11, being parallel and adjacent to the property line between Lot 10 and 11, as shown by plat in Deed Record 179 page 32.*

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 25 day of May, 2013.

Signature Donald C. Matthews  
Donald C. Matthews

Signature Nancy L. Matthews  
Nancy L. Matthews

### ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Donald & Nancy Matthews to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had executed the same for the purposes therein stated and set forth. WITNESS my hand and seal this 25<sup>th</sup> day of May, 2013.

Notary Public (Signature) Laurie Denise Carter

My Commission Expires: 11-13-17





## Legislation Details (With Text)

<b>File #:</b>	RES-13:105	<b>Version:</b>	1	<b>Name:</b>	Revised FY 2013 CDBG action plan and proposed budget
<b>Type:</b>	Resolution	<b>Status:</b>			Recommended to Council
<b>File created:</b>	6/20/2013	<b>In control:</b>			Finance & Administration Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	A RESOLUTION APPROVING THE SUBMISSION OF THE AMENDED FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN AND PROPOSED BUDGET TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
<b>Sponsors:</b>	Grants				
<b>Indexes:</b>	Grant				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">FY 2013 ACTION PLAN 6.14.13 FINAL AMENDED</a>				

Date	Ver.	Action By	Action	Result
6/25/2013	1	Finance & Administration Council Committee		

A RESOLUTION APPROVING THE SUBMISSION OF THE AMENDED FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN AND PROPOSED BUDGET TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Jonesboro Grants & Community Development Department will allocate FY 2013 Community Development Block Grant (CDBG) funds in such a manner that priority is given to activities that benefit low to moderate income families, eliminate slum and blight, and revitalize impoverished neighborhoods; and

WHEREAS, there is an estimated total of \$918,093.17 for FY 2013 Community Development Block Grant (CDBG) funds for budgetary purposes; and

WHEREAS, the use of these monies are strictly monitored including the mandate that an annual action plan be submitted to the U.S. Department of Housing & Urban Development in accordance with Title 1 of the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, the amended plan is currently posted on the city's website for the required 30 day comment period, and has been advertised in the local newspaper in accordance for submission to HUD.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: The revised FY 2013 Community Development Block Grant (CDBG) program has been amended due to a number of FY 2012 Community Development Block Grant (CDBG) activities being closed to comply with HUD regulations.

SECTION 2: Remaining funds from the closed out FY 2012 activities are now included in the FY 2013 Community Development Block Grant (CDBG) Action Plan, which contributes to the following 3 amendments:

AMENDMENT 1: Activities closed out in FY 2012 Plan with remaining funds and added to FY 2013 plan:

- Demolition & Clearance - \$50,000
- Homeownership Assistance - \$15,000
- Miracle League Field - \$135,381.17

AMENDMENT 2: Activities in the FY 2013 Plan with increased funding due to FY 2012 remaining funds:

- Parker Park Splash Pad - \$150,000 to \$200,000
- Code Enforcement - \$25,000 to \$40,000
- Rehabilitation Administration - \$20,000 to \$30,000
- Sewer Improvements - \$80,000 to \$90,000

AMENDMENT 3: Activities in the FY 2013 Plan with decreased funding due to FY 2012 activities remaining open with funds:

- Emergency Homeowner Rehabilitation - \$70,862.70 to \$50,000
- Administration - \$104,668 to \$76,036

SECTION 3: The amended FY 2013 Community Development Block Grant (CDBG) program totaling \$918,093.17 for budgeting purposes is approved by reference to the attached project/activity budget table (within the FY 2013 Action Plan); and

SECTION 4: The Grants Administrator of the Grants and Community Development Department is authorized to prepare and submit the FY 2013 Action Plan to HUD for final review and approval.

City of Jonesboro  
Department of Grants &  
Community Development

P. O. Box 1845  
515 West Washington  
Jonesboro, AR 72403-1845

Phone: 870-933-4635 Fax: 870-933-4626  
abarré@jonesboro.org



# City of Jonesboro 2013 Action Plan

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## Department of Grants & Community Development Community Development Block Grant Program

**Harold Perrin, Mayor**  
Heather Clements, Administrator  
Ann Barré, CDBG Coordinator

Contact Information:  
P.O. Box 1845, Jonesboro, AR., 72403-1845  
Physical Address: 519 W. Washington, Jonesboro, AR.  
Phone: 870.336.7211

**2013 Program Year  
B-13-MC-05-0012**

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# STANDARD FORM 424

**APPLICATION FOR FEDERAL ASSISTANCE**

Version 7/03

<b>1. TYPE OF SUBMISSION:</b> Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b> 11-15-2012	<b>Applicant Identifier</b> 073540288
Pre-application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		<b>3. DATE RECEIVED BY STATE</b>	<b>State Application Identifier</b>
<b>5. APPLICANT INFORMATION</b>		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b> Federal Identifier	
Legal Name: City of Jonesboro		<b>Organizational Unit:</b> Department: Grants & community Development	
Organizational DUNS: 073540288		Division:	
<b>Address:</b> Street: 515 West Washington St.		<b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b>	
City: Jonesboro		Prefix: Ms.	First Name: Heather
County: Craighead		Middle Name	
State: Arkansas		Last Name Clements	
Zip Code 72401	Suffix:		
Country: USA		Email: hclements@jonesboro	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> 7 1 - 6 0 1 3 7 4 9		Phone Number (give area code) 870-336-7229	Fax Number (give area code) 870-933-4619
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>		<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types) Municipal Other (specify)	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> TITLE (Name of Program): Community Development Block Grant/Entitlement Grants		<b>9. NAME OF FEDERAL AGENCY:</b> U.S. Department of Housing & Urban Development	
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> City of Jonesboro		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> Community Development Block Grant	
<b>13. PROPOSED PROJECT</b> Start Date: 01/01/2013		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant 1	
Ending Date: 12/31/2013		b. Project 1	
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$ 523,344. <sup>00</sup>	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$ . <sup>00</sup>	DATE:	
c. State	\$ . <sup>00</sup>	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$ . <sup>00</sup>	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$ . <sup>00</sup>	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>	
f. Program Income	\$ . <sup>00</sup>	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$ 523,344. <sup>00</sup>		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>			
<b>a. Authorized Representative</b>			
Prefix	First Name Harold	Middle Name	
Last Name Perrin	Suffix		
b. Title Mayor	c. Telephone Number (give area code) 870-932-1052		
d. Signature of Authorized Representative	e. Date Signed		

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Standard Form 424 (Rev.9-2003)  
Prescribed by OMB Circular A-102

Reset Form



# 2013 Action Plan Statement of Community Development Objectives and Projected Use of Funds for 2013

## EXECUTIVE SUMMARY

The CDBG Program was established by the Housing and Community Development Act of 1974. The primary objective of this program is to develop viable urban communities by providing decent housing, a suitable living environment and economic opportunities, principally for lower income persons (defined as 80 percent or less of the City of Jonesboro area median household income).

The statutes for formula grant programs set forth three basic goals against which the Consolidated Plan, and the jurisdiction's performance under the plan will be evaluated the U. S. Department of Housing and Urban Development (HUD). Those goals are:

- Create a Suitable Living Environment
- Provide Decent Housing
- Create Economic Opportunities

Through the CDBG Program, the U.S. Department of Housing and Urban Development (HUD) provides funds to local governments for a wide range of community development activities for low-income persons. In order for an activity to be eligible for CDBG funding, it must be shown to address one of the following national objectives:

- Benefit people with low incomes (up to 80 percent of median)
- Aid in the prevention or elimination of slums and blight; or
- Meet an urgent need (such as earthquake, flood, or hurricane relief)

The City of Jonesboro, Arkansas is beginning its seventeenth with the Community Development Block Grant Program. The Annual Action Plan for Program Year 2013 represents the second year of the City of Jonesboro's Five Year Consolidated Plan submitted for program years 2012-2016. It is prepared in direct correlation with the specific goals and objectives stated therein. The Action Plan is in compliance with the U.S. Department of Housing and Urban Development guidelines for submission for Federal entitlement funds.

The City began its First program year on July 1, 1997. In August 1999 the City received approval from HUD to change our program year to January 1 of each year. Therefore, our third year program was for six months and our fourth year program began on January 1, 2000 and ended on December 31, 2000. Our fifth year and all subsequent program years begin as of January 1, of each year.

The actual level of funding Jonesboro receives from HUD is determined annually and is based upon a formula that all entitlement communities are subject to in relation to HUD's overall annual budget.

The City does not receive HOME, HOPWA, or ESG funds at this time. The City anticipates applying for HOME funds in 2013. Anticipated HUD Community Development Block Grant allocation for the fiscal year 2013 is \$918,093.17. The annual Action Plan has been prepared in accordance with existing regulations governing the Community Development Block Grant Program and the Consolidated Plan format. The activities and programs described herein are aligned with the Strategic Plan, as outlined in

the 2012-2016 Five Year Consolidated Plan.

The 2013 Community Development Program highlights the number one goal in the 5 Year Consolidated Plan – Improve Livability and Availability of Affordable Housing to our low income residents with the highest priority being housing rehabilitation. Acceptance in the HOME Program will allow the City to complete between 10 and 20 additional housing rehabilitation projects. Additional projects may include home reconstruction and new construction projects. CDBG funds will also be used for housing rehabilitation in addition to emergency rehabilitations.

A total of 20 individual projects are listed with 14.1% of the entitlement funding allocated to land acquisition to expand the Hispanic Services Center; 37.4% allocated to public facilities & improvements to provide security and lighting for City Youth Ministries as well as provide a splash pad at the Parker Park Community Center that will service LMI children; 8.6% allocated to public service programs that address a multitude of needs including education, life skills, youth development, homelessness and neighborhood safety; 1.6% allocated to urban renewal completion for a public art program lead by the Foundation of Arts; 14.7% allocated to housing services to provide for code enforcement, homeowner rehabilitation and rehabilitation administration; 9.8% allocated to privately owned utilities to install a main trunk line for sewer improvements for LMI individuals; 5.4% allocated to demolition and clearance for the elimination of slum and blight in LMI areas; 8.3% allocated to administration. Project priorities are given to designated low-income CDBG areas, and to those projects that serve the highest number of low income participants, and impact. The Jonesboro's 2013 Action Plan continues to reflect the true intention of the HUD Community Development Block Grant: *seeking to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expand economic opportunities for low and moderate income persons.*

As stated in the Five Year Consolidated Plan, all of the City's Housing and Community Development projects serve in the Census tract areas that represent the highest density of low income populations, and/or serve as a direct benefit to low income individuals. Maintaining the current housing stock in these areas is a high priority. Neighborhood revitalization is also a predominant consideration. The City of Jonesboro's priority objectives are to improve the housing and neighborhood livability and the quality of life for low income, disadvantaged, and often underserved citizens.

#### **City of Jonesboro Priority Objectives:**

- Housing - Rehabilitation/Homeownership
- Neighborhood Revitalization/Beautification
- Economic Opportunity/Development/Job Creation/Business Development
- Public Services – Quality of Life/Life Skills/Special Needs

The City of Jonesboro is committed to the proper implementation of a balanced Community Development Program that maximizes benefits to low and moderate income persons both directly and through the improvement of their immediate neighborhoods. Through the provision of decent housing, a suitable living environment, educational and supportive services, and the expansion of economic opportunities, we intend to change the face of our low income neighborhoods and provide our citizens with the needed resources to assist them in breaking both generational and circumstantial poverty. This year's primary focus remains on housing, economic development, neighborhood revitalization, and a broad range of public and social services addressing the core needs of our low income residents.

While the needs of the City of Jonesboro continue to far exceed the financial resources available through the Community Development Block Grant Program and the city's financial means, this funding

makes it possible for Jonesboro to provide meaningful housing improvements, public improvements, and community restoration and development activities.

It is through these activities that we address the quality of life issues that are essential in achieving a truly beneficial level of neighborhood specific community improvements. The following pages define the distribution of funds and outline the proposed projects and activities to be undertaken with the federal fund allocation.

## **STATEMENT OF COMMUNITY DEVELOPMENT GOALS 2013 ACTION PLAN**

The City of Jonesboro continues to place major emphasis on HUD's priority goals of Housing, Neighborhood Revitalization, and the improvement of the quality of life through the provision of needed social services and education. This year's projects and activities address these goals directly as it increases accessibility of affordable housing and the viability for potential homeownership through the provision of homeownership counseling, as well as, direct homeownership financial assistance. The City will address the sustainability of our existing affordable housing through its preservation, improvement, and foreclosure counseling projects. The plan prioritizes Neighborhood Revitalization through the improvement of neighborhood safety and aesthetics, and the elimination of slum and blight. Quality of life issues are addressed through various forms of education including life skills, financial, employment training, translation services, and other educational and supportive services for the elderly, disabled, youth, and other low income citizens.

The City of Jonesboro's Department of Grants & Community Development has begun implementation of a community initiative which includes the aforementioned partners as well as residents, churches, and the business community. This Community Change Initiative includes a citizen-driven strategy for addressing and meeting needs in low-income areas, the banking and financial community, non-profit organizations, area businesses and a supporting partner in the Winthrop Rockefeller Foundation. It is the intention of the city to build a model of community involvement that directly addresses the poverty issues we face, provides community leadership, and enables this low income neighborhood to see marked change in the fiscal year 2013. This initiative has created four neighborhood networks in our extremely low income area to individually address specific needs and become a part of the solution.

There are many community stakeholders willing to further our efforts to address the needs of their individual neighborhoods. Through the 2013 CDBG program funds the city will be serving not only specific low income neighborhoods, but directly serving our low income and special needs populations including youth, elderly, disabled, and otherwise disadvantaged.

Our primary goal is to promote, sustain and preserve an excellent quality of life in the City of Jonesboro. Through the Community Development Objectives cited below we are continuing to conduct our activities in a manner designed to benefit our most vulnerable populations.

### **2013 Action Plan Goals**

The following are the Goals to be addressed with the 2013 Program Year funding as they are stated in the Five Year Consolidated Plan:

#### **AFFORDABLE HOUSING & PUBLIC HOUSING**

1. Goal: Improve livability and availability of affordable housing and assist in the improvement of housing opportunities.

**BARRIERS TO AFFORDABLE HOUSING**

- 2. Goal: Address barriers to affordable and fair housing.

**LEAD-PAINT HAZARDS - GOALS, OBJECTIVES, AND STRATEGIES**

- 3. Goal: Increase lead safe housing stock.

**SUITABLE LIVING ENVIRONMENT - NON HOUSING COMMUNITY DEVELOPMENT**

- 4. Goal: Improve livability, create better functioning, and more attractive neighborhoods

**SPECIAL NEEDS - HOMELESSNESS**

- 5. Goal: Increase service opportunities extended to potentially homeless persons.

**ANTI-POVERTY STRATEGY**

- 6. Goal: To assist in the reduction of households with incomes below the poverty line.

**NON-HOMELESS SPECIAL NEEDS**

- 7. Goal: Explore the possibility of expanding services and/or access to services for our special needs population.

**ECONOMIC DEVELOPMENT STRATEGY**

- 8. Goal: Explore the possibility of job creation through technical and life skills training and micro business development

**PROJECTED USE OF FUNDS**

The City of Jonesboro's 2013 anticipated allocation is \$918,093.17 for the Seventeenth Year Community Development Block Grant Program. The plan was developed using an all inclusive citizen participation process in compliance with the regulations set forth in 24 CFR Part 91. The city has evaluated all projects, conducted public hearings, invited public comments and suggestions, and obtained the Mayor and City Council approval for the expenditures of the following projects:

**ACQUISITION**

Hispanic Services Center – Center Expansion \_\_\_\_\_ 130,000

**PUBLIC FACILITIES AND IMPROVEMENTS**

Security & Lighting for Youth Center \_\_\_\_\_ 8,176

Parker Park Splash Pad \_\_\_\_\_ 200,000

Miracle League Field \_\_\_\_\_ 135,381.17

**PUBLIC SERVICES**

City Youth Ministries – After School Mentoring \_\_\_\_\_ 10,000

Hispanic Community Center – Bridge between Two Cultures \_\_\_\_\_ 10,000

Habitat for Humanity – Basic Life Skills Training \_\_\_\_\_ 5,000

Life Skills Center – Life Skills for Autistic Individuals \_\_\_\_\_ 5,000

Out of the Dark – Enhancing Communities by Energizing Positive Youth Development \_\_\_\_\_ 5,000

Living Healthy with HIV – Northeast Arkansas Regional AIDS Network \_\_\_\_\_ 5,000

West End – Neighborhood Safety \_\_\_\_\_ 1,000

North Jonesboro Neighborhood Initiative \_\_\_\_\_ 37,500

**URBAN RENEWAL COMPLETION**

Foundation of Arts \_\_\_\_\_ 15,000

**HOUSING SERVICES**

Code Enforcement \_\_\_\_\_ 40,000

Emergency Homeowner Rehabilitation \_\_\_\_\_ 50,000

Rehabilitation Administration \_\_\_\_\_ 30,000

Homeownership Assistance \_\_\_\_\_ 15,000

**PRIVATELY OWNED UTILITIES**

Sewer Improvements (Phase I) \_\_\_\_\_ 90,000

**CLEARANCE**

Demolition & Clearance \_\_\_\_\_ 50,000

**OTHER**

Administration \_\_\_\_\_ 76,036

**TOTAL** \_\_\_\_\_ **918,093.17**

The above listed activities are the proposed and approved projects for the 2013 Program Year. The 2013 Action Plan has gone through a 30-day comment period and input from the community has been taken into consideration. The Mayor and the City Council have approved the plan, the specific projects, and their amounts by Resolution, thereby approving the allocated funds in the amount of \$918,093.17, and the implementation of said projects.

These projects were selected after careful consideration of the City of Jonesboro's needs in relation to HUD's national objectives. As reflected in the table below Jonesboro has a higher percentage of poverty, and lower percentage of homeownership than our county, state, and nation. Therefore, the City has chosen to select the programs that will most directly address the immediate areas of need.

According to the US Census Bureau

	<b>Jonesboro</b>	Craighead City	Arkansas State	United States
Persons below <b>POVERTY</b> percent, 2010	<b>22.0%</b>	19.4%	18.0%	13.8%
<b>HOMEOWNERSHIP</b> rate, 2010	<b>55.0%</b>	61.0%	67.7%	66.0%

<http://quickfacts.census.gov/qfd/states/05/05031.html>

The projects are designed with maximum feasible benefit for the low and moderate-income citizens. The City will continue to strive to meet the HUD national objectives as we increase the number of opportunities for our citizens to move from homelessness and/or poverty to housing, self sufficiency, and the possibility of homeownership.

### **Effectiveness**

The 2013 Action Plan coincides with the national objectives and the 2013-2016 Consolidated Plan. The City of Jonesboro included in its consideration not only the information obtained during public hearings but through various agency and public collaborations, studies, focus groups, and surveys performed throughout the City.

Notices of all public hearings and the availability of the 2013 CDBG proposed projects for a 30 day public review were published in the Jonesboro Sun newspaper and the CDBG website. Copies of the complete 2013 Action Plan are available for public review and inspection during normal business hours Monday through Friday in the offices of the Department of Community Development located next to City Hall at 519 West Washington, Jonesboro, Arkansas. Copies of the plans are also available on the Grants & Community Development web page and the public library.

## **ELEMENTS OF THE CONSOLIDATED PLAN**

### **Managing the Process**

The City of Jonesboro's Department of Community Development is responsible for the development and implementation of the Consolidated Plan. Various City Departments and local agencies assist in the collection of the needs data for preparation of the Consolidated Plan and Annual Action Plan. J-Quad Planning Consulting Group assisted in writing portions of the Consolidated Plan. J-Quad Planning was hired by the City of Jonesboro to conduct a comprehensive housing study, funded by the Residential Housing and Health Care Facilities Board. Portions of that study have been used in the completion of the Consolidated Plan and the 2013 Action Plan.

## **Citizen Participation Process**

The City of Jonesboro follows its Citizen Participation Plan in the development of the Consolidated Plan and Annual Action Plan. It is the goal of the city to encourage and facilitate participation of residents in the formulation of priorities, strategies, and funding allocations for the Community Development Block Grant Program. The process emphasizes the involvement of extremely low, very low, and low income persons (especially those living in low income neighborhoods and diverse populations) including people who do not speak English and persons with disabilities.

The preparation of the 2013 Action Plan builds upon the public participation and input provided in developing the 2012-2016 Consolidated Plan Priority Needs Summary, as approved by the City Council. This plan sets forth a five year plan citing Housing and Community Development Needs. The Action Plan follows the Consolidated Plan in its focus on those goals that will benefit lower income households and identifies which goals are anticipated to be carried out using federal CDBG funds allocated to the City.

Public input was obtained from two public hearings, and participation in public and service provider meetings. In an effort to broaden the public participation process for development of the Consolidated Plan and Action Plan, the city seriously encourages involvement in the process and holds the meetings in locations in service- recipient neighborhoods. Efforts are also made to reach persons with disabilities by utilizing agencies that serve persons with disabilities.

## **Institutional Structure**

The institutional structure for implementation of the Consolidated Plan includes non-profit organizations and other public agencies and educational institutions. The City of Jonesboro Department of Community Development is responsible for implementation of the Consolidated and Annual Action Plans.

The city provides funding and coordinates with nonprofit organizations that provide public services that benefit Jonesboro residents. The city also works with non-profit housing developers in the development of affordable housing in the city. Non-profit organizations are critical to achieving the Consolidated Plan goals.

The city is available to assist the Housing Authority in submitting applications for funding to increase Section 8 vouchers or provide additional funding for affordable housing or services in the city. The city coordinates its activities with other public agencies. The city regularly participates in JURHA, and non-profit meetings, focus groups, and faith-based activities.

The city assists non-profit agencies in securing other state and federal funding by writing letters of support and assisting agencies in completing applications for funding. The city is also active in supporting the continued funding of the Section 8 Program and other programs that are crucial for affordable housing programs and public services.

The major strengths of the city's institutional structure is in the access to the various city departments and to a large number of very capable non-profit organizations who are highly competent in using available resources and leveraging funding in order to achieve the desired housing and services.

## **Monitoring**

The City of Jonesboro intends to use the existing delivery/reporting system to achieve its production and service goals. While this includes managing in-house programs, many programs and services will be contracted out to sub-grantees. The city plans to conduct an on-site monitoring assessment of the program activities of each sub-recipient in order to ensure strict compliance with program guidelines as stated in their contractual agreement. The monitoring process includes quarterly reports and a review of contract compliance, program capacity, performance, and timeliness.

Financial monitoring occurs on a quarterly basis with a review of invoices and supporting documentation to ensure that all costs correspond to project services as outlined in the recipient's contract budget. The quarterly report includes additional information including client data, project activities, progress in meeting goals/objectives and specific achievements.

At the end of the contract year, the department compiles all the client demographic data and prepares a comprehensive statistical report that becomes part of the CAPER.

The City of Jonesboro includes the following statement on every bid document in order to encourage minority business participation:

### **Minority Business Participation**

Minority Business Policy – It is the policy of the City of Jonesboro that minority business enterprises shall have the maximum opportunity to participate in the city purchasing process. Therefore the City of Jonesboro encourages all minority businesses to compete for, win, and receive contracts for goods, services, and construction. The city also encourages all companies to sub-contract portions of any city contract to minority business enterprises.

### **Lead Based Paint Strategy**

According to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), lead based paint hazard is defined as any condition that causes exposure to lead from lead contaminated dust, lead contaminated soil or lead contaminated paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects. As required by Title X, the City of Jonesboro is carrying out CDBG funded activities in tandem with our Inspection Department.

Owners of properties to be rehabilitated are informed of the risks of lead based paint. As part of the rehabilitation process, the property is inspected for signs of defective paint. Defective paint in older homes that is suspected to be lead based is removed following the lead based paint standards. If there are children in the home, the parents are provided information regarding the benefits of having the children tested for lead based paint and also where they can go to get this done.



**RESOLUTION TO BE ENTERED UPON COUNCIL APPROVAL**

# CERTIFICATIONS

**THE FOLLOWING PAGES** ---- are certifications that have been signed by Mayor Harold Perrin, City of Jonesboro, Arkansas for the **CDBG BLOCK GRANT PROGRAM FOR THE YEAR -- 2013**.

## **CERTIFICATIONS**

In accordance with the applicable statutes and the regulations governing the Housing and Community Development Plan regulations, the City of Jonesboro certifies that:

**Citizen Participation Plan--** Following is the detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City of Jonesboro's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;
3. Provides for technical assistance to representatives of persons of low and moderate income that request such assistance in developing proposals, with the level and type of assistance to be determined by the City of Jonesboro;
4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
5. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and
6. Identifies how the needs of non-English speaking residents will be met in the course of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;
7. The City of Jonesboro stands ready to provide any and all necessary assistance to persons with visual or hearing impairments to assure that these individuals are fully informed and included in the Consolidated Plan process. The City shall provide assistance up to and including interpreters and persons that sign for the hearing impaired, as well as any appropriate listening devices. The City stands ready to utilize alternative media as requested.

**Citizen Participation** — Prior to submission of its Housing and Community Development Plan to HUD, the City of Jonesboro has:

1. Met the citizen participation requirements of §91.10
- 2 Prepared its housing and community development plan and annual use of funds in accordance with §91.105 and made its Housing and Community Development Plan submission available to the public.

**Affirmatively Further Fair Housing** -The City of Jonesboro will continue to affirmatively further fair housing as set out under 24 CFR 91.220, and has prepared an analysis previously that Identifies impediments to fair housing choice, and maintains records pertaining to carrying out this certification. The cost and condition of housing in our low income areas will to be addressed directly with the project listed herein. CDBG funds will be used to acquire land for single family unit homes in our most impoverished area. Low income individuals and families will be assisted in homeownership through education and matching grants for down payment and closing costs. For those who cannot afford to maintain their homes CDBG will be used to provide grants for rehabilitation. The City has undertaken several activities to address emergency shelters and the transitional housing needs of our homeless individuals and families.

The City continues to improve neighborhoods with the improvements of parks, sewer improvements and the elimination of substandard housing and unsightly lots through demolition and clearance. The City has plans to apply for HOME funds through ADFA in order to expand our home rehabilitation program. The activities to be completed are either located in or will directly serve our low and moderate income areas, and the areas of minority concentration. The attached maps show said areas.

In addition to the projects outlined, the Jonesboro Urban Renewal and Housing Authority, Salvation Army, Consolidated Youth Systems, Mid South Health Systems, and Women's Crisis Center of Northeast Arkansas are assisting homeless and potentially homeless individuals and families with the programs that they administer. We are continuing to monitor the services that are provided by other entities in Jonesboro.

Regarding those persons that are not homeless as identified in accordance with 91.215 (d), the City is also monitoring those areas. These persons are the elderly, frail elderly, persons with disabilities, alcohol or other drug addictions, HIV/AIDS and their families along with public housing residents. Crowley's Ridge Development Council, Abilities Unlimited Inc., Consolidated Youth Services, Jonesboro Human Development Center, FOCUS, NARAN, Mid South Health Systems, East Arkansas Area Agency on Aging, as well as several others assist many handicapped persons and families along with the Housing Authority. The City is actively involved in assisting these organizations and does not intend to step in and duplicate these services. We will continue to monitor the organizations.

Our monitoring of the agencies reflects that the agencies are providing assistance within their guidelines and scope of work. The City will endorse and support new applications for the agencies to apply for funding, as well as monitor the housing and general needs of the citizens of Jonesboro.

**Anti-Discrimination** — The grants will be conducted and administered in compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3620), the Age Discrimination Act of 1975, Executive Orders 11063, 11625, 12138, 12432 and 12892, Section 504 of the (title II) and implementing regulations.

**Anti-displacement and Relocation Plan** — The City of Jonesboro will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under §91.10 and Federal implementing regulations; and that it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104 (d) of the Housing and Community Development Act of 1974, as amended, and the relocation requirements of §91.10 governing optional relocation assistance under section 105 (a) (11) of the Housing and Community Development Act of 1974, as amended;

**Drug Free Workplace** - The city will continue to provide a drug-free workplace by enacting certain requirements:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace;
  - b. The City of Jonesboro's policy of maintaining a drug-free workplace;
  - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will:
  - a. Abide by the terms of the statement; and
  - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug status occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4 (b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant actively the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted
  - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such proposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

8. The City of Jonesboro has provided the site(s) for the performance of work done in connection with this specific grant:

Demolition of substandard housing units, various park improvements in the City and Administrative Responsibilities, all in the City of Jonesboro, will be carried out from 519 West Washington, Jonesboro, Craighead County, Arkansas 72401.

**Anti Lobbying** — To the best of the City of Jonesboro’s knowledge and belief:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal Loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the City of Jonesboro will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying, in accordance with its instructions; and
3. The City will require that the language of paragraph (n) of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly; The City of Jonesboro is in compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.

**Legal Authority** ---The City of Jonesboro possesses legal authority under State and Local Law to make grant submissions and to execute Community Development and Housing programs and the City Council has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the Housing and Community Development Plan and amendments thereto and all understandings and assurances contained therein, and directing and authorizing the person identified a the official representative of the grantee to act in connection with the submission of Housing and Community Development Plan and to provide such additional information as may be required;

**Applicable Laws** ---The City of Jonesboro will comply with the other provisions of the Acts covering programs covered by the Housing and community Development Plan and with other applicable laws.

In accordance with the certifications as set out under 24 CFR Part 91.225 of the Federal Register dated January 5, 1995, the City of Jonesboro, Arkansas further certifies that:

**Consistency with plan** ---The housing activities to be undertaken with CDBG funds are consistent with the strategic plan.

**Section 3 Compliance** ---The City of Jonesboro, Arkansas in the administration of its Community Development Program will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR Part 135.

\_\_\_\_\_  
**Signature: Harold Perrin, Mayor**

\_\_\_\_\_  
**Date**

### **SPECIFIC CDBG CERTIFICATIONS**

The City of Jonesboro certifies that:

**Use of Funds** — It has developed it's Housing and Community Development Plan one-year projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the projected use of funds may also include activities which the City of Jonesboro certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health of welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under section 106 of the Housing and Community Development Act of 1974, as amended, and if applicable, under section 108 of the same Act, shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period;

**Community Development Plan** — The City of Jonesboro has developed a Community Development Plan, for the period specified in the paragraph above, that identifies community development and housing needs and specifies both short and long-term community development objectives that have been developed in accordance with the primary objective and requirements of the Housing and Community Development Act of 1974, as amended;

**Special Assessments** — The City of Jonesboro will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under section 106 of the Housing and Community Development Act of 1974, as amended, or with amounts resulting from a guarantee under section 108 of the same Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

1. Funds received under section 106 of the housing and Community Development Act of 1974, as amended, are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of that Act; or
2. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City of Jonesboro certifies to the Secretary that it lacks sufficient funds received under section 106 of the Housing and Community Development Act of 1974, as amended, to comply with the requirements of subparagraph (1) above;

**Lead-Based Paint** — The City of Jonesboro's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with §570.608;

**Excessive Force** — The City of Jonesboro has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

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**Signature: Harold Perrin, Mayor**

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**Date**

## **APPENDIX TO CERTIFICATIONS**

Instructions Concerning Lobbying and Drug-Free Workplace Requirements:

### **A. Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352; title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **B. Drug-Free Workplace Certification**

1. By signing and/or submitting this application or grant agreement the grantee is providing the certification set out in paragraph (o).
2. The certification set out in paragraph (o) is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies. (This is the information to which entitlement grantees certify).
4. For grantees that are individuals, Alternate II applies. (Not applicable to CDBG Entitlement grantees.)
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (i.e. All vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, and performers in concert halls or radio stations).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees; attention is called, in particular, to the following definitions from these rules:



9. "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
10. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
11. "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
12. "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are not on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of sub-recipients or subcontractors in covered workplaces).

# TABLE 3

## Consolidated Plan Listing of Projects

**THE FOLLOWING PAGES** ----- reflect the Projects in which the CDBG Program dollars will be directed in the City of Jonesboro.

**Table 3  
Consolidated Plan Listing of Projects**

**Jurisdiction’s Name:** City of Jonesboro

**Priority Need**

Land Acquisition

**Project Title**

Acquisition – Hispanic Services Center – Center Expansion

**Description**

*Regulation: 570.201 Basic eligible activities – (a) Acquisition*

This activity is phase I of a multi-phase project to assist the Hispanic Community Services, Inc. (HSCI, Inc.) in acquiring land surrounding the current location of said center (in a CDBG area of the city), expanding, and rehabilitating the center in an effort to better serve the center’s clients. The Spanish-speaking population of Jonesboro is the largest growing sector of the community and contributes to a significantly large percentage of the low to moderate income population. The Hispanic Center offers after school programs, translation services, tutoring, mentoring, athletic programs, financial counseling, life skills, and citizenship attainment services.

**Location/Target Area**

CDBG LMI Area

Objective Number 185	Project ID 1
HUD Matrix Code	CDBG Citation 570.201 (a)
Type of Recipient Subrecipient	CDBG National Objective LMI
Start Date(01/01/2013)	Completion Date(12/31/2013)
Performance Indicator Land Acquisition.	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$130,000
ESG	
HOME	
HOPWA	
Total Formula	\$130,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$130,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

City Youth Ministries

**Project Title**

Public Facilities and Improvements - Security & Lighting for Youth Center

**Description**

*Regulation: 570.201 – (c) Public facilities and improvements*

Provide security system and security lighting to increase security and safety for youth and staff at City Youth Ministries (CYM). CYM is located in a CDBG area and delivers direct after-school and summer program services to low to moderate income youth and children.

**Location/Target Area**

CDBG LMI Area

Objective Number 186	Project ID 2
HUD Matrix Code	CDBG Citation 570.201 (C)
Type of Recipient Subrecipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Recreation Facilities	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$8,176
ESG	
HOME	
HOPWA	
Total Formula	\$8,176
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$8,176

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Public Facilities and Improvements

**Project Title**

Public Facilities and Improvements - Parker Park Splash Pad

**Description**

*Regulation: 570.201 – (c) Public facilities and improvements*

Install playground equipment in the form of a splash pad at Parker Park (located on North Church Street in a CDBG area). This addition will help to further serve LMI children who do not currently have access to the only city pool located in the center of the city.

**Location/Target Area**

CDBG LMI Area

Objective Number 187	Project ID 3
HUD Matrix Code	CDBG Citation 507.201
Type of Recipient Subrecipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Recreation Facilities	Annual Units 1
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$200,000
ESG	
HOME	
HOPWA	
Total Formula	\$200,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
<b>Total</b>	<b>\$200,000</b>

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

City Youth Ministries

**Project Title**

Public Services – After School Youth Mentorship for Low Income Youth

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

Mentorship, education, and nutrition program for low income youth to enhance the learning process. Pays portion of salary for youth mentor at City Youth Ministries organization.

**Location/Target Area**

CDBG/Jonesboro

Objective Number 188	Project ID 4
HUD Matrix Code	CDBG Citation 570.201 (E)
Type of Recipient Subrecipient	CDBG National Objective LMC
Start Date (01/01/13)	Completion Date (12/31/2013)
Performance Indicator P.S. - Youth	Annual Units 100
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$10,000
ESG	
HOME	
HOPWA	
Total Formula	\$10,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$10,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Hispanic Community Services, Inc.

**Project Title**

Public Services - Bridges Between Two Cultures

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

Translation/Community Outreach Services. Provide referrals, community outreach, bilingual phone line, translation services, and job placement. Pays portion of salary for staff at Hispanic Community Center.

**Location/Target Area**

CDBG/Jonesboro

Objective Number 189	Project ID 5
HUD Matrix Code	CDBG Citation 570.201 (e)
Type of Recipient Sub-recipient	CDBG National Objective LMC
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator P.S. Education	Annual Units 200
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	..... \$10,000 .....
ESG	.....
HOME	.....
HOPWA	.....
Total Formula	..... \$10,000 .....
Prior Year Funds	.....
Assisted Housing	.....
PHA	.....
Other Funding	.....
Total	..... \$10,000 .....

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction’s Name:** City of Jonesboro

**Priority Need**

Habitat for Humanity

**Project Title**

Public Service - Habitat Outreach: Basic Life Skills Training

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

Provide basic life skills to low-moderate income families. Training includes financial management, health and nutrition, etc. Focus will also include moving families from crisis management to daily management. Funds will be used to reimburse for supplies needed for implementation. Life Skills classes will be taught by an AmeriCorps Service Member (funded by Department of Human Services and HUD).

**Location/Target Area**

Habitat for Humanity  
Jonesboro LMI

Objective Number 190	Project ID 6
HUD Matrix Code	CDBG Citation 570.201(e)
Type of Recipient Sub-recipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Public Service-life skills	Annual Units 60
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$5,000
ESG	
HOME	
HOPWA	
Total Formula	\$5,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$5,000



**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction’s Name:** City of Jonesboro

**Priority Need**

Life Skills Center

**Project Title**

Public Service – Life Skills for Autistic Individuals

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

To provide life skills services and training to the physically and mentally challenged, as well to low/moderate income citizens. The goal is to prepare such individuals, ages 5 to 21, for adulthood and integration into society through appropriate transitional programming consisting of strength-based education, social skills, and community involvement.

**Location/Target Area**

Life Skills Center  
Jonesboro, AR

Objective Number 191	Project ID 7
HUD Matrix Code	CDBG Citation 570.201
Type of Recipient Sub-recipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Public Service-life skills	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$5,000
ESG	
HOME	
HOPWA	
Total Formula	\$5,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$5,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**  
Out of the Dark

**Project Title**  
Public Service - Enhancing Communities by Energizing Positive Youth Development

**Description**  
*Regulation: 570.201 Basic eligible activities – (e) Public Services*  
Support to Out of the Dark in educating community, area schools, and others on drug awareness and prevention as well as reducing crime. Funds will be used to reimburse for drug awareness and prevention seminar.

**Location/Target Area**  
Jonesboro, AR

Objective Number 192	Project ID 8
HUD Matrix Code	CDBG Citation 570.201 (e)
Type of Recipient Sub-recipient	CDBG National Objective LMC
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Public Service-education	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$5,000
ESG	
HOME	
HOPWA	
Total Formula	\$5,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$5,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Northeast Arkansas Regional AIDS Network (NARAN)

**Project Title**

Public Service - Living Healthy with HIV

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

To assist HIV+ individuals remain healthy by promoting proper nutrition, personal hygiene, sanitary environment and adherence with medical care. Funds will be used to reimburse for supplies and services to this population at-risk.

**Location/Target Area**

CDBG LMI Area

Objective Number 193	Project ID 9
HUD Matrix Code	CDBG Citation 570.201 (e)
Type of Recipient Subrecipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Public Service	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$5,000
ESG	
HOME	
HOPWA	
Total Formula	\$5,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$5,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

West End Neighborhood Association

**Project Title**

Public Service - West End Neighborhood Health & Safety Fair

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

As a neighborhood revitalization project, West End Neighborhood Association will provide information on how to stabilize neighborhoods through implementation of neighborhood safety projects and behaviors.

**Location/Target Area**

CDBG LMI Area

Objective Number 194	Project ID 10
HUD Matrix Code	CDBG Citation 570.201 (E)
Type of Recipient Subrecipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Public Service	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$1,000
ESG	
HOME	
HOPWA	
Total Formula	\$1,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$1,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction’s Name:** City of Jonesboro

**Priority Need**

North Jonesboro Neighborhood Initiative (NJNI)

**Project Title**

Public Service – Neighborhood Revitalization & Community Engagement

**Description**

*Regulation: 570.201 Basic eligible activities – (e) Public Services*

Collaborative community change strategies where engaged residents, local businesses, faith communities, social service providers and funders work together to build vibrant neighborhoods, foster community cohesion, and build a strong infrastructure of services and supports for families (NRSA status pending). Funds will be used for the AmeriCorps, cooking utensils and food for the “Cooking Matters” class, NJNI documentary, ASU CARE office costs, Job training and development, community outreach, exercise equipment for Healthy Futures Strategy, travel and training for the NJNI Coordinator, and membership dues.

**Location/Target Area**

City Wide LMI

Objective Number 195	Project ID 11
HUD Matrix Code	CDBG Citation 507.201 (e)
Type of Recipient	CDBG National Objective LMH
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Neighborhood Revitalization	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$37,500
ESG	
HOME	
HOPWA	
Total Formula	\$37,500
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	

Total \$37,500

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Urban Renewal Completion

**Project Title**

Urban Renewal Completion - Public Arts/ Planning & Urban Design

**Description**

*Regulation: 570.205 Eligible planning, urban environmental design and policy-planning-management – capacity building activities. (a)Planning activities OR 570.201 (h) Urban renewal completion*  
Using public art to energize and engage the city, promote a greater awareness and appreciation of public art, reflect the unique character of a low community, and celebrate cultural diversity and the history of Jonesboro.

**Location/Target Area**

Jonesboro, AR

Objective Number 196	Project ID 12
HUD Matrix Code	CDBG Citation 570.205
Type of Recipient Subrecipient	CDBG National Objective LMI
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Public Service	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$15,000
ESG	
HOME	
HOPWA	
Total Formula	\$15,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$15,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Rehabilitation and preservation activities

**Project Title**

Housing Services - Emergency Homeowner Rehabilitation

**Description**

*Regulation: 570.202 Eligible rehabilitation and preservation activities*

Assist in the improvement of housing conditions for LMI Homeowners, thereby preserving our existing affordable housing stock.

**Location/Target Area**

City Wide LMI

Objective Number 197	Project ID 13
HUD Matrix Code	CDBG Citation 507.202
Type of Recipient Local Government	CDBG National Objective LMH
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Housing Units	Annual Units 10
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$50,000
ESG	
HOME	
HOPWA	
Total Formula	\$50,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	

Total \$50,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Rehabilitation Administration

**Project Title**

Housing Services – Grants Rehab Coordinator

**Description**

Regulation: *570.202 Eligible rehabilitation and preservation activities*

Housing Rehabilitation Activity Delivery Cost; pays salary for the Grants Rehab Coordinator.

**Location/Target Area**

Administrative Activity

Objective Number 198	Project ID 14
HUD Matrix Code	CDBG Citation 507.202
Type of Recipient Local Government	CDBG National Objective LMH
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Rehab. Admin.	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$30,000
ESG	
HOME	
HOPWA	
Total Formula	\$30,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$30,000



**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Code Enforcement

**Project Title**

Housing Services – Code Enforcement

**Description**

Regulation: *570.202 Eligible rehabilitation and preservation activities*

Necessary costs directly related to the enforcement required for the elimination of unsafe housing –  
condemnation/abandonment.

**Location/Target Area**

Administrative Activity

Objective Number 202	Project ID 18
HUD Matrix Code	CDBG Citation 507.202
Type of Recipient Local Government	CDBG National Objective LMH
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Rehab. Admin.	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	..... \$40,000
ESG	.....
HOME	.....
HOPWA	.....
Total Formula	..... \$40,000
Prior Year Funds	.....
Assisted Housing	.....
PHA	.....
Other Funding	.....
Total	..... \$40,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Residential Improvements

**Project Title**

Privately Owned Utilities – Sewer Improvements (Phase I)

**Description**

*Regulation: 570.201(iii) The improvement of private properties (l) Privately owned utilities*  
Sewer improvements within CDBG area- Project focus is the installation of a main trunk line within designated CDBG residential neighborhood. Funds will be used to begin new project in 2013.

**Location/Target Area**

Administrative Activity

Objective Number 199	Project ID 15
HUD Matrix Code	CDBG Citation 507.201
Type of Recipient Local Government	CDBG National Objective LMH
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Residential Improvements	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$90,000
ESG	
HOME	
HOPWA	
Total Formula	\$90,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$90,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction’s Name:** City of Jonesboro

**Priority Need**  
CDBG Program Planning & Administration

**Project Title**  
Planning & Administration

**Description**  
CDBG administration costs necessary for planning, project management, implementation, and compliance reporting.

**Location/Target Area**  
Administrative Activity

Objective Number 201	Project ID17 16
HUD Matrix Code	CDBG Citation 570.206
Type of Recipient Local Government	CDBG National Objective
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Administration	Annual Units N/A
Local ID	Units Upon Completion

<b>Funding Sources:</b>	
CDBG	..... \$76,036
ESG	.....
HOME	.....
HOPWA	.....
Total Formula	..... \$76,036
Prior Year Funds	.....
Assisted Housing	.....
PHA	.....
Other Funding	.....
Total	..... \$76,036

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**  
Clearance

**Project Title**  
Demolition & Clearance

**Description**  
*Regulation: 570.201(d) Clearance activities.*  
Demolish blighted structures in LMI areas.

**Location/Target Area**  
Jonesboro LMI

Objective Number 202	Project ID18 17
HUD Matrix Code	CDBG Citation 570.206
Type of Recipient Local Government	CDBG National Objective
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Administration	Annual Units N/A
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$50,000
ESG	
HOME	
HOPWA	
Total Formula	\$50,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$50,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Homeownership Assistance

**Project Title**

Homeownership Assistance

**Description**

*Regulation: 570.201(n) Homeownership Assistance*

Increase the viability for potential homeownership through provision of homeownership assistance programs, such as down payment assistance.

**Location/Target Area**

Jonesboro LMI

Objective Number 203	Project ID19 20
HUD Matrix Code	CDBG Citation 570.206
Type of Recipient Local Government	CDBG National Objective
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Administration	Annual Units N/A
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$15,000
ESG	
HOME	
HOPWA	
Total Formula	\$15,000
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$15,000

**Table 3**  
**Consolidated Plan Listing of Projects**

**Jurisdiction's Name:** City of Jonesboro

**Priority Need**

Public facilities and improvements

**Project Title**

Miracle League Field

**Description**

*Regulation: 570.201 – (c) Public facilities and improvements*

To construct Southside Ballpark's softball field located in CDBG area, specifically designed for the physically and mentally challenged. This field will allow handicapped children and adults to participate in organized sports. Funding will contribute to the city's total renovations of this field, and specially designed playground equipment for handicapped children.

**Location/Target Area**

Jonesboro LMI

Objective Number 204	Project ID 20 21
HUD Matrix Code	CDBG Citation 570.206
Type of Recipient Local Government	CDBG National Objective
Start Date (01/01/2013)	Completion Date (12/31/2013)
Performance Indicator Administration	Annual Units N/A
Local ID	Units Upon Completion

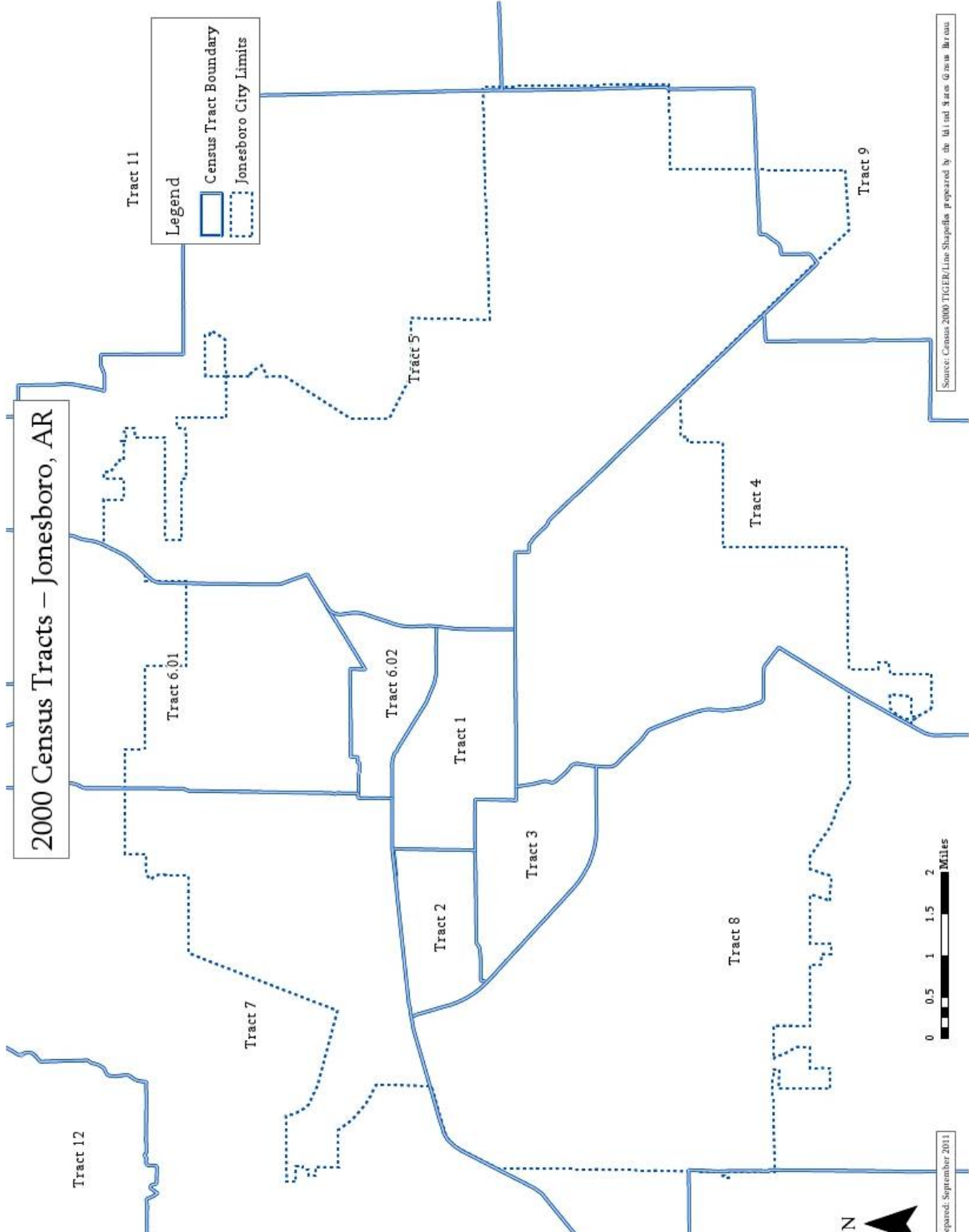
**Funding Sources:**

CDBG	..... \$135,381.17
ESG	.....
HOME	.....
HOPWA	.....
Total Formula	..... \$135,381.17
Prior Year Funds	.....
Assisted Housing	.....
PHA	.....
Other Funding	.....
Total	..... \$135,381.17

# MAPS

**THE FOLLOWING PAGES** ----- reflect the income and minority areas in which the CDBG Program dollars will be directed in the City of Jonesboro.

# 2000 Census Tracts – Jonesboro, AR

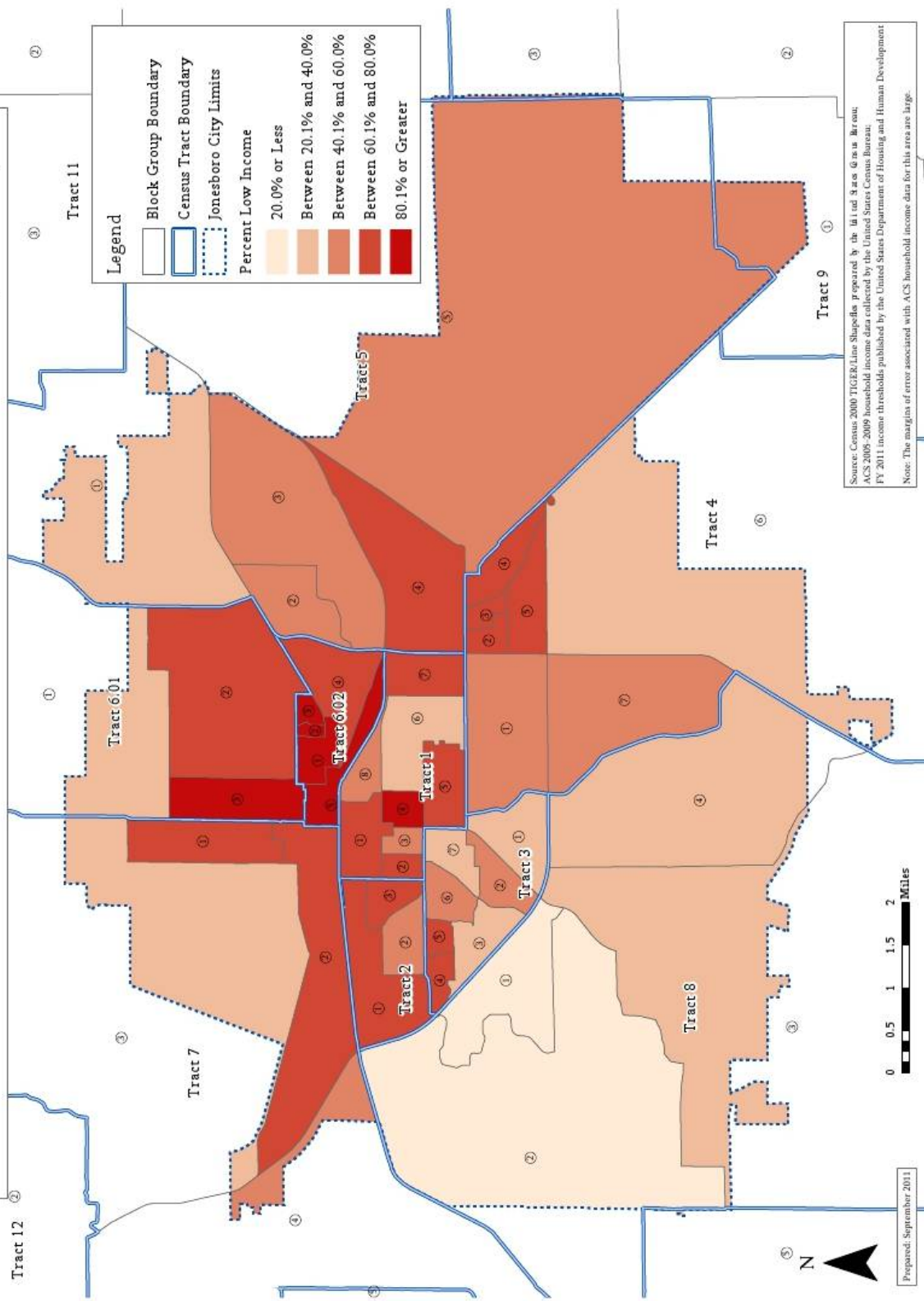


Source: Census 2000 TIGER/Line Shapefiles prepared by the United States Census Bureau

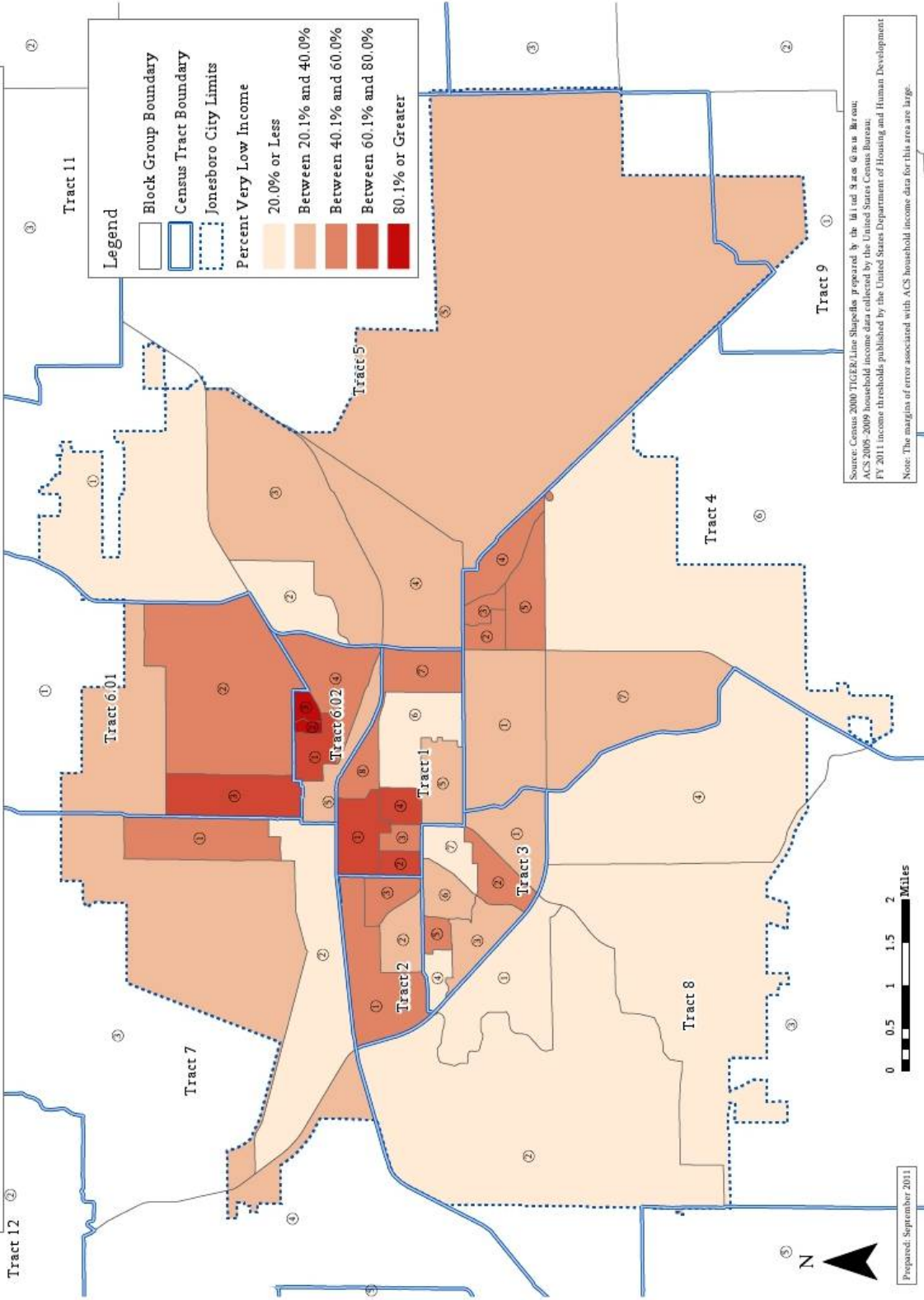
Prepared: September 2011



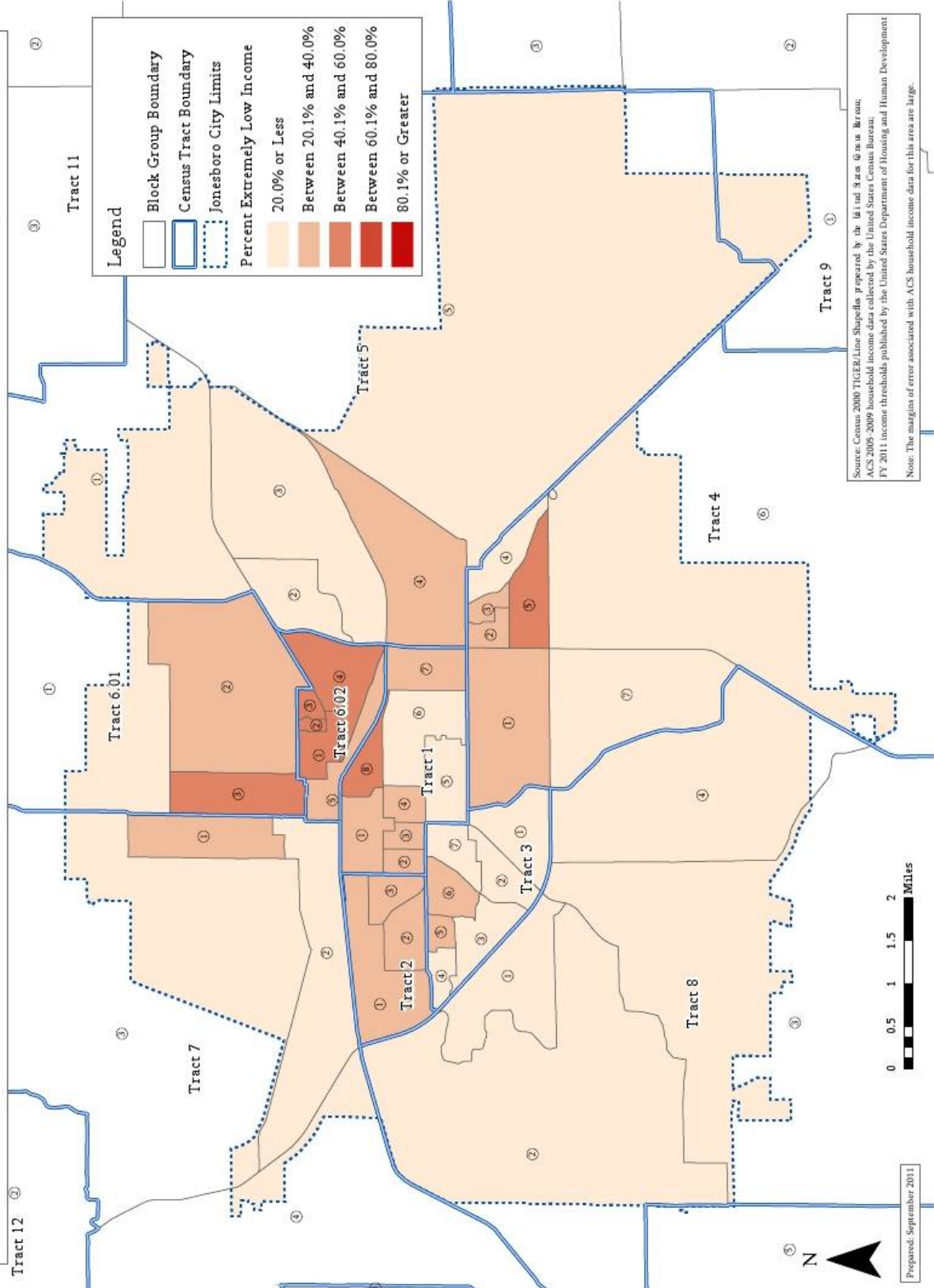
# Estimated Number of Households Below the Low Income Threshold – Jonesboro, AR



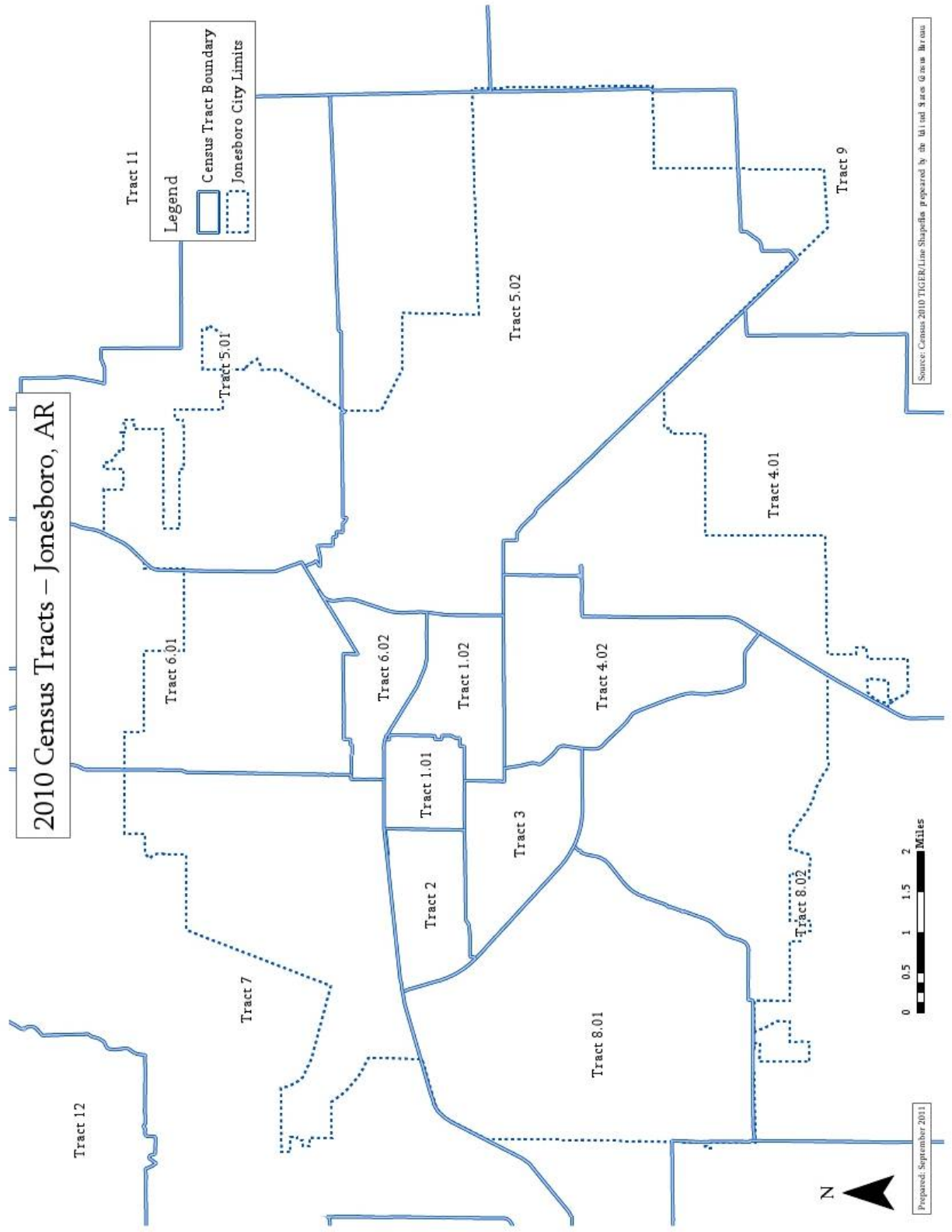
# Estimated Number of Households Below the Very Low Income Threshold – Jonesboro, AR



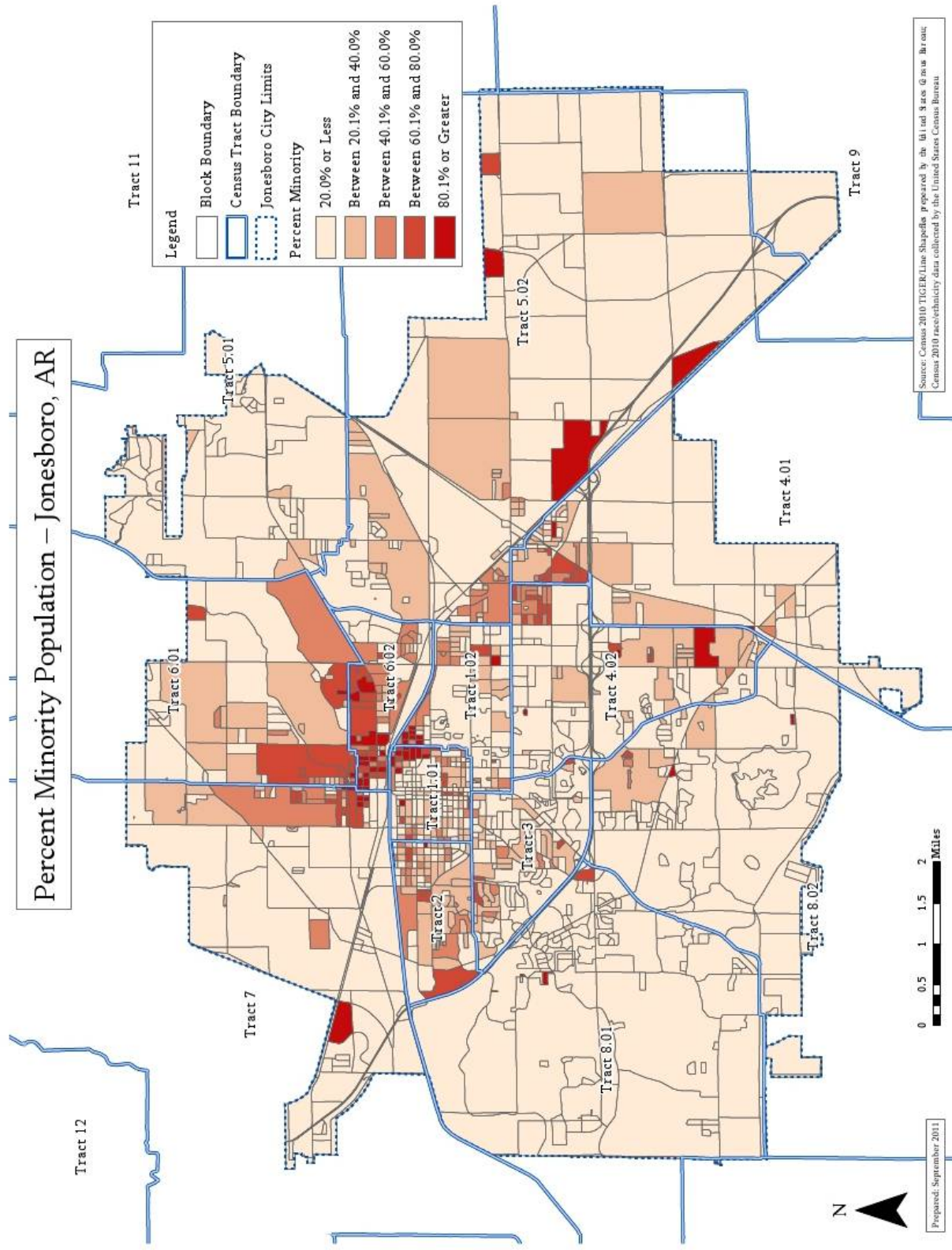
# Estimated Number of Households Below the Extremely Low Income Threshold – Jonesboro, AR



# 2010 Census Tracts – Jonesboro, AR



# Percent Minority Population – Jonesboro, AR



# PUBLICATION

**THE FOLLOWING PAGES** -----contains the public notice of the availability of the Action Plan to the community for review.



## Legislation Details (With Text)

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**File #:** COM-13:048    **Version:** 1    **Name:** Setting public hearing as requested by Unilever regarding development bonds

**Type:** Other Communications    **Status:** To Be Introduced

**File created:** 7/5/2013    **In control:** City Council

**On agenda:**    **Final action:**

**Title:** Request by Unilever Manufacturing to set a public hearing regarding a proposed ordinance which would authorize the issuance of industrial development bonds in an amount of up to \$41,000,000

**Sponsors:**

**Indexes:** Bonds - revenue/development

**Code sections:**

**Attachments:** [Letter dated June 21, 2103](#)  
[Letter dated July 2, 2013](#)  
[Notice](#)  
[Proposed ordinance](#)

Date	Ver.	Action By	Action	Result
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Request by Unilever Manufacturing to set a public hearing regarding a proposed ordinance which would authorize the issuance of industrial development bonds in an amount of up to \$41,000,000

**WILLIAMS & ANDERSON PLC**

TWENTY-SECOND FLOOR  
111 CENTER STREET  
LITTLE ROCK, ARKANSAS 72201

DAVID F. MENZ  
dmenz@williamsanderson.com

DIRECT DIAL  
(501) 396-8416

(501) 372-0800  
TELECOPIER  
(501) 372-6453

June 21, 2013

The Honorable Harold Perrin  
Mayor, City of Jonesboro  
c/o [cglisson@jonesboro.org](mailto:cglisson@jonesboro.org)  
P. O. Box 1845  
Jonesboro, AR 72403

Donna Jackson, Circuit Clerk  
Craighead County Courthouse  
P. O. Box 120  
Jonesboro, AR 72403-0120  
[djackson@jonesboro.org](mailto:djackson@jonesboro.org)

RE: Unilever United States, Inc.

Dear Mayor Perrin and Ms. Jackson:

As you are aware from previous correspondence, Unilever United States, Inc. ("Unilever") is preparing to invest approximately \$41,000,000 in new equipment in the plant it purchased from Alberto-Culver. In 2007, the City of Jonesboro authorized the issuance of \$91,000,000 of industrial development revenue bonds to finance the construction and equipping of the Alberto-Culver plant.

After Unilever purchased the Alberto-Culver plant, it discovered that not all of the proceeds of the \$91,000,000 bonds had been drawn down. The draw down has been completed and all requirements of the 2007 financing have been met. Therefore, it is now necessary to go forward to approve the issuance of the \$41,000,000 of industrial development revenue bonds that Unilever is requesting, which will be issued under the existing PILOT Agreement between the City and Unilever, as the assignee of Alberto-Culver USA, Inc.).

We understand that it will be necessary for the finance committee of the Jonesboro City Council to review and approve a bond ordinance prior to the full City Council meeting. Enclosed is a proposed draft of an ordinance approving the bonds. In addition, we have



WILLIAMS & ANDERSON PLC

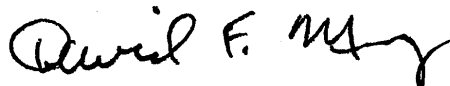
Mayor Harold Perrin  
June 21, 2013  
Page 2

included Notice of Hearing which must be published at least ten days in advance of the City Council meeting, at which the bond ordinance will be considered.

Kindest regards.

Cordially yours,

WILLIAMS & ANDERSON PLC

A handwritten signature in black ink that reads "David F. Menz". The signature is written in a cursive, slightly slanted style.

David F. Menz

DFM:acr

Encl.

cc: Ben Barylske, Finance Director ([bbarylske@jonesboro.org](mailto:bbarylske@jonesboro.org))  
Phillip Crego, City Attorney ([pcrego@jonesboro.org](mailto:pcrego@jonesboro.org))

**WILLIAMS & ANDERSON PLC**

TWENTY-SECOND FLOOR  
111 CENTER STREET  
LITTLE ROCK, ARKANSAS 72201

DAVID F. MENZ  
dmenz@williamsanderson.com

DIRECT DIAL  
(501) 396-8416

(501) 372-0800  
TELECOPIER  
(501) 372-6453

July 2, 2013

Donna Jackson, Circuit Clerk  
Craighead County Courthouse  
P. O. Box 120  
Jonesboro, AR 72403-0120  
[djackson@jonesboro.org](mailto:djackson@jonesboro.org)  
[cglisson@jonesboro.org](mailto:cglisson@jonesboro.org)

RE: Unilever United States, Inc.

Dear Donna:

Thank you for taking the time to speak with me yesterday.

As I understand it, we have set the following schedule for accomplishing the Unilever financing. First, at the City Council meeting on Tuesday, July 16<sup>th</sup>, the City Council will approve the holding of a public hearing at the City Council meeting on August 6, 2013. The hearing will be held pursuant to Ark. Code Ann. §19-9-607, which is required for all revenue bonds. After July 16<sup>th</sup>, I will publish the Notice which must be published ten days in advance of the public hearing.

Then on Tuesday, July 23<sup>rd</sup>, I will attend the meeting of the Jonesboro City Council Finance Committee at 4:00 p.m. to go through the particulars of the financing. Assuming approval by the Finance Committee, I will then appear before the Jonesboro City Council on Tuesday, August 6<sup>th</sup> at 5:30 to attend the public hearing and have the ordinance authorizing the issuance of the bonds approved.

As soon as Unilever and The City are satisfied with all the documents, I will then come back to have you and the Mayor execute all the documents on behalf of the City.


Kindest regards.

WILLIAMS & ANDERSON PLC

July 2, 2013  
Page 2

Cordially yours,

WILLIAMS & ANDERSON PLC

A handwritten signature in black ink, appearing to read "David F. Menz". The signature is written in a cursive style with a circular flourish at the beginning.

David F. Menz

DFM:acr

Encl.

cc: Ben Barylske ([bbarylske@jonesboro.org](mailto:bbarylske@jonesboro.org))  
Harold Perrin ([HPerrin@jonesboro.org](mailto:HPerrin@jonesboro.org))  
Phyllis Vaccari ([PVaccari@jonesboro.org](mailto:PVaccari@jonesboro.org))  
Nikki Nottingham ([NNottingham@jonesboro.org](mailto:NNottingham@jonesboro.org))

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**NOTICE**

Notice is hereby given that a hearing will be held before the City Council of the City of Jonesboro, Arkansas, regarding the proposed ordinance by the City of Jonesboro, Arkansas (the "Issuer"), authorizing the issuance of the Issuer's industrial development revenue bonds in an amount of up to \$41,000,000 (the "Bonds") for the benefit of Unilever Manufacturing (US), Inc. The Bonds will be issued under the authority of Amendment 65 to the Arkansas Constitution and Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, as amended, for the purpose of financing the costs of an industrial project consisting of improvements, machinery, equipment and facilities to be located in Jonesboro, Arkansas (the "Project"). Any person interested may appear before the Issuer on the \_\_\_\_ day of July, 2013, at 6:00 p.m., at the regular meeting place of the City Council, and be heard for or against the issuance of the Bonds. At such hearing, all objections and suggestions will be heard and considered and the City Council will take such action as is deemed proper in the premises.

This notice is published and the above described hearing is to be in satisfaction of Arkansas Code Annotated Section 19-9-607.

DATED this \_\_\_\_ day of June, 2013.

/s/ Harold Perrin  
Mayor, City of Jonesboro, Arkansas

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF A SERIES OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING FOR INDUSTRIAL FACILITIES; AUTHORIZING AND APPROVING (1) A SUPPLEMENTAL TRUST INDENTURE SECURING THE BONDS, (2) A SUPPLEMENTAL LEASE AGREEMENT BETWEEN THE CITY OF JONESBORO, ARKANSAS AND UNILEVER MANUFACTURING (US), INC. (AS SUCCESSOR TO AND ASSIGNEE OF ALBERTO-CULVER USA, INC.), AS LESSEE, (3) PRIVATE PLACEMENT MEMORANDUM, AND (4) A PRIVATE PLACEMENT AGREEMENT; AND AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Jonesboro, Arkansas (the "City"), is authorized by Arkansas Code Annotated Sections 14-164-201, *et seq.* (1998 Repl., Supp. 2011) (the "Act") to issue revenue bonds and to expend the proceeds thereof to finance the acquisition, construction, and equipping of lands, buildings or facilities, which can be used in securing or developing industry; and

WHEREAS, Alberto-Culver USA, Inc. ("Alberto-Culver") previously proposed that the City provide it with permanent financing through the issuance of its City of Jonesboro, Arkansas Industrial Development Revenue Bonds in one or more series not to exceed Ninety-One Million and No/100 Dollars (\$91,000,000.00), for the cost of acquiring, constructing and equipping certain industrial facilities consisting of improvements, machinery, equipment and facilities in the City (the "Project");

WHEREAS, the City authorized Alberto-Culver's request and provided the initial permanent financing through the issuance of revenue bonds under the Act (the "Series 2007 Bonds"), and the City leased the Project to Alberto-Culver pursuant to a Lease Agreement dated June 8, 2007 (the "Original Lease"); and

WHEREAS, Unilever Manufacturing (US), Inc. (the "Company") is the successor of Alberto-Culver by virtue of an acquisition dated in or around 2010; and

WHEREAS, Alberto-Culver assigned its rights and obligations in the Original Lease to the Company pursuant to an Assignment and Assumption of Lease dated March 27, 2012;

WHEREAS, the Payment in Lieu of Tax Agreement dated March 12, 2007, by and among Alberto-Culver, Craighead County and the City is binding on successors and assigns of Alberto-Culver;

WHEREAS, it is proposed that the City now provide further permanent financing, through the issuance of revenue bonds under the Act, for the cost of acquiring, constructing and equipping certain industrial facilities consisting of improvements, machinery, equipment and facilities (the "Series 2013 Bonds"), and that the City lease the Project to the Company, as part of the further ongoing construction and equipping of an industrial facility to be operated by the Company (or its successors or assigns) in the City, pursuant to a First Supplemental Lease Agreement, dated as of June 1, 2013 (the "First Supplemental Lease") (together with the Original Lease, hereinafter referred to as the "Lease"); and

WHEREAS, the Series 2013 Bonds will be secured by payments made pursuant to the Lease and by a mortgage and lien upon the Project, and no revenue of the City shall be pledged to repayment of the Series 2013 Bonds; and

WHEREAS, the payments pursuant to the Lease will be sufficient to pay all debt service and other fees and expenses related to the Series 2013 Bonds; and

WHEREAS, pursuant to and in accordance with the provisions of the Act, the City is now prepared to proceed with the further financing of the Project and to issue and sell up to \$41,000,000 in principal amount of its Taxable Industrial Development Revenue Bonds (Unilever Inc. Project), Series 2013, to provide such financing;

WHEREAS, the City previously issued its Taxable Industrial Development Revenue Bonds (Alberto-Culver USA, Inc. Project), Series 2007, which were issued, dated, bear interest, mature and are subject to redemption as set forth in the indenture dated as of June 8, 2007 (the "Trust Indenture"), by and between the City and Regions Bank, as trustee (the "Trustee"), and as authorized by Ordinance No. 16-2007; and

WHEREAS, the Series 2013 Bonds will be issued, dated, bear interest, mature and be subject to redemption as hereinafter set forth in the form of a First Supplemental Trust Indenture dated June 1, 2013 (the "First Supplemental Trust Indenture"), by and between the City and the Trustee, and as authorized by this Ordinance (the Trust Indenture and the First Supplemental Trust Indenture are hereinafter referred to as the "Trust Indenture"); and

WHEREAS, copies of the proposed forms of the Trust Indenture and Lease have been presented to and are before this meeting; and

WHEREAS, the Series 2013 Bonds will be privately placed pursuant to a Private Placement Agreement; and

WHEREAS, for the issuance of the Series 2013 Bonds to finance the Project, the City intends to authorize the preparation, delivery and execution of the following documents (and such other documents related thereto as may be necessary or desirable):

1. The First Supplemental Lease, as defined herein;
2. The First Supplemental Trust Indenture, as defined herein;
3. Private Placement Agreement by and among the City and Alberto-Culver with respect to the Series 2013 Bonds (the "Private Placement Agreement"); and
4. Private Placement Memorandum with respect to the Series 2013 Bonds (the "Private Placement Memorandum").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

**Section 1. Approval of Assignment and Assumption of Lease.** The Assignment and Assumption of Lease and Agreement dated as of March 27, 2012 by and between Alberto-Culver, USA, Inc. and Unilever Manufacturing (US), Inc. is approved by the City.

**Section 2. Approval of Unilever Manufacturing (US), Inc. as Party to Payment in Lieu of Tax Agreement.** The City hereby approves the substitution of Unilever Manufacturing (US), Inc. for Alberto-Culver USA, Inc. as a party to the Payment in Lieu of Tax Agreement dated March 12, 2007.

**Section 3. Authorization of Issuance of Bonds.** There is hereby approved and authorized the issuance by the City of an aggregate principal amount not to exceed **\$41,000,000** of Series 2013 Bonds, subject to the terms and conditions set forth in the Trust Indenture.

**Section 4. Sale of Bonds.** The sale of the Series 2013 Bonds described in Section 1 hereof is hereby approved and authorized; provided, however, the sale of such Series 2013 Bonds shall be upon terms substantially as set forth in the Private



Placement Agreement, hereinafter authorized and subject to the further conditions that all such Series 2013 Bonds mature not later than June 1, 2033, bear interest at a rate not greater than 3% per annum, may be issued as fixed rate bonds or as variable rate bonds and may be subject to remarketing at a future date or dates.

**Section 5. Approval and Authorization of Documents.** The First Supplemental Lease, the First Supplemental Trust Indenture, the Private Placement Memorandum, and the Private Placement Agreement, be and the same are in all respects hereby adopted, as applicable, approved, authorized, ratified and/or confirmed, and the Mayor and City Clerk are each separately and individually hereby authorized and directed to execute, seal and/or deliver, for and on behalf of the City, the First Supplemental Lease, the First Supplemental Trust Indenture, the Private Placement Memorandum and the Private Placement Agreement, in substantially the form and content presented to the City on this date, or, if not so presented, in form approved by the Mayor, consistent with such conditions as are described herein; provided, however, that the final approval of the 2013 Bonds set forth in this Ordinance is expressly conditioned upon receipt of and approval by the Mayor of the aforementioned documents. The First Supplemental Lease, the First Supplemental Trust Indenture, the Private Placement Memorandum and the Private Placement Agreement may contain such changes, modifications, additions and deletions therein as shall to the Mayor be necessary, desirable or appropriate, their respective execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions and deletions.

**Section 6. Authority To Execute and Deliver Additional Documents.** The Mayor and the City Clerk are hereby authorized to direct Bond Counsel to prepare any and all additional certificates, documents and other papers and to perform all other acts as they may deem necessary or appropriate to implement and carry out the purposes and intent of this Ordinance, including the preamble thereto. The Mayor and the City Clerk are hereby each authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents and other papers and to perform all other acts as they may deem necessary or appropriate to implement and carry out the purposes and intent of this Ordinance, including the preamble hereto, including, without limitation, upon entry into the Private Placement Agreement and the Private Placement Memorandum describing the 2013 Bonds authorized in Section 1 hereof.

**Section 7. Public Hearing.** The action of the Mayor and other officers of the City in giving notice of a public hearing with respect to the issuance of the Series 2013 Bonds and conducting such public hearing of the issuance of the Series 2013 Bonds is hereby approved and authorized and, with respect to such actions already taken, ratified and confirmed.

**Section 8. Approval of Professionals.** That Williams & Anderson PLC, of Little Rock, Arkansas, is hereby appointed as Bond Counsel with respect to the issuance of the 2013 Bonds, the fees and expenses of which firm shall be costs of the Project.

**Section 9. Waiver of Competitive Bidding.** That the City is hereby involved with the acquiring, constructing and equipping of industrial facilities, and pursuant to

applicable laws of the State of Arkansas, including the Act, competitive bidding is waived.

**Section 10. Documents Available for Inspection.** That the City Clerk is hereby authorized and directed to file in the office of the City Clerk, as part of this Ordinance, for inspection by any interested person, a copy of the First Supplemental Trust Indenture and First Supplemental Lease, and such documents shall be on file for inspection by any interested person.

**Section 11. Payment of Costs of Issuance.** That the Mayor is hereby authorized to pay (if not otherwise paid) the necessary expenses incidental to the issuance of the Series 2013 Bonds including, but not limited to, fees and costs of Bond Counsel, printing and publication costs, and filing fees, but solely from proceeds of the Series 2013 Bonds available for payment of such costs of issuance.

**Section 12. Supplemental Orders.** The City may, subject to the terms and conditions of the Ordinance and the Trust Indenture, pass and execute orders supplemental to this Ordinance which shall not be inconsistent with the terms and provisions hereof.

**Section 13. Severability.** If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever.

**Section 14. Appeal.** The time for taking any action to appeal this Ordinance is hereby fixed as thirty (30) days following the date of publication of this Order, at which time this Ordinance shall be final.

**Section 15. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

PASSED: \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)



## Legislation Details (With Text)

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**File #:** ORD-13:025    **Version:** 1    **Name:** Amend Appendix 7 of the Stormwater Drainage Design Manual  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 6/14/2013    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** AN ORDINANCE AMENDING APPENDIX 7 OF THE STORMWATER DRAINAGE DESIGN MANUAL  
**Sponsors:** Engineering  
**Indexes:** Policy - creation/amendment  
**Code sections:**  
**Attachments:** [Appendix 7.pdf](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

AN ORDINANCE AMENDING APPENDIX 7 OF THE STORMWATER DRAINAGE DESIGN MANUAL WHEREAS, the City Council adopted The Stormwater Drainage Design Manual on December 18, 2008 (ORD-08:099);

WHEREAS, Appendix 7, ADEQ Permit No. ARR150000 of the Stormwater Drainage Manual, has expired and shall be replaced with the most current permit.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: That ORD-08:099 was adopted by the City Council on December 18, 2008 (ORD-08:099).

Section 2. That Appendix 7, ADEQ Permit No. ARR150000 of the Stormwater Drainage Design Manual, is replaced in its entirety with an updated copy of the permit (attached).

Section 3: That the Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to adopt the above referenced amendment to the Stormwater Drainage Design Manual.

**AUTHORIZATION TO DISCHARGE STORMWATER UNDER  
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE  
ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

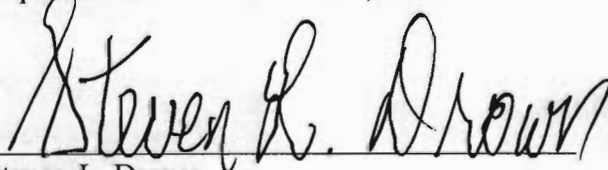
**Operator of Facilities with Stormwater Discharges Associated With Construction Activity**

is authorized to discharge to all receiving waters except as stated in Part I.B.11 (Exclusions).

For facilities that are eligible for coverage under this General Permit (GP), the Department sends a cover letter (Notice of Coverage with tracking permit number which starts with ARR15) and a copy of the permit to the facility. The cover letter includes the Department's determination that a facility is covered under the GP and may specify alternate requirements outlined in the permit.

Effective Date: November 1, 2011

Expiration Date: October 31, 2016



Steven L. Drown  
Chief, Water Division  
Arkansas Department of Environmental Quality



Issue Date

## **PART I PERMIT REQUIREMENTS**

Information in **Part I** is organized as follows:

**Section A:** Definitions

**Section B:** Coverage Under this Permit:

1. Permitted Area
2. Eligibility
3. Responsibilities of the Operator
4. Where to Submit
5. Requirements for Qualifying Local Program (QLP)
6. Requirements for Coverage
7. Notice of Intent (NOI) Requirements
8. Posting Notice of Coverage (NOC)
9. Applicable Federal, State or Local Requirements
10. Allowable Non-Stormwater Discharges
11. Limitations on Coverage (Exclusions)
12. Effluent Limitation Guidelines (ELG)
13. Natural Buffer Zones
14. Waivers from Permit Coverage
15. Notice of Termination (NOT)
16. Responsibilities of the Operator of a Larger Common Plan of Development for a Subdivision
17. Change in Operator
18. Late Notifications
19. Failure to Notify
20. Maintenance
21. Releases in Excess of Reportable Quantities
22. Attainment of Water Quality Standards

## SECTION A: DEFINITIONS

1. "**ADEQ**" or "**Department**" is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.
2. "**Arkansas Pollution Control and Ecology Commission**" shall be referred to as APCEC throughout this permit.
3. "**Automatic Coverage**" indicates those sites that are defined as a small construction site or a site that is less than five (5) acres but part of a larger common plan.
4. "**Best Management Practices (BMPs)**" schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. According to the EPA BMP manual the use of hay-bales in concentrated flow areas is not recommended as a best management practice.
5. "**Cognizant Official**" a duly authorized representative, as defined in Part II.B.9.B.
6. "**Commencement of Construction**" the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.
7. "**Contaminated**" means a substance the entry of which into the MS4, Waters of the State, or Waters of the United States may cause or contribute to a violation of Arkansas water quality standards.
8. "**Control Measure**" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.
9. "**Construction Site**" an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan such that the total disturbed area is one acre or more.
10. "**CWA**" the Clean Water Act or the Federal Water Pollution Control Act.
11. "**Dedicated Portable Asphalt Plant**" a portable asphalt plant that is located on or contiguous to a construction site that provides asphalt only to the construction site on which the plant is located or adjacent to. The term does not include facilities that are subject to the asphalt emulsion effluent guideline limitations at 40 CFR Part 443.
12. "**Dedicated Portable Concrete Plant**" a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site on which the plant is located on or adjacent to.
13. "**Detention Basin**" a detention basin is an area where excess stormwater is stored or held temporarily and then slowly drains when water levels in the receiving channel recede. In essence, the water in a detention basin is temporarily detained until additional room becomes available in the receiving channel.
14. "**Director**" the Director, Arkansas Department of Environmental Quality, or a designated representative.



15. "**Discharge**" when used without qualification means the "discharge of a pollutant".

16. "**Discharge of Stormwater Associated with Construction Activity**" as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

17. "**Discharge-Related Activities**" as used in this permit, include: activities that cause, contribute to, or result in stormwater point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; management of solid waste and debris; and measures to control stormwater including the construction and operation of BMPs to control, reduce or prevent stormwater pollution.

18. "**Disturbed area**" the total area of the site where any construction activity is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, including, but not limited to, clearing, grubbing, grading, excavation, demolition activities, haul roads, and areas used for staging. Also included, are stockpiles of topsoil, fill material and any other stockpiles with a potential to create additional runoff.

19. "**Eligible**" qualified for authorization to discharge stormwater under this general permit.

20. "**Erosion**" the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

21. "**Facility**" or "**Activity**" any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

22. "**Final Stabilization**":

A. All soil disturbing activities at the site have been completed and either of the two following criteria are met:

- 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 80% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
- 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

B. When background native vegetation will cover less than 100% of the ground (e.g., arid areas, beaches), the 80% coverage criteria is adjusted as follows: if the native vegetation covers 50% of the ground, 80% of 50% ( $0.80 \times 0.50 = 0.40$ ) would require 40% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

C. For individual lots in residential construction, final stabilization means that either:

- 1) The homebuilder has completed final stabilization as specified above, or
- 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

D. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its pre-

construction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “Water of the United States”, and areas which are not being returned to their pre-construction agricultural use must meet the final stabilization criteria in A, B, or C above.

23. "**Grading Activities**" as used in this permit are those actions that disturb the surface layer of the ground to change the contouring, surface drainage pattern, and/or any other slope characteristics of the land without significantly adding or removing on-site rock, soil, and other materials. This can include demolition, excavation, and filling.

24. "**Infrastructure**" streets, drainage, curbs, utilities, etc.

25. "**Impaired Water**" a water body listed in the current, approved Arkansas 303(d) list.

26. "**Landscaping**" improving the natural beauty of a piece of land (i.e. entrance of subdivision) through plantings or altering the contours of the ground.

27. "**Large and Medium Municipal Separate Storm Sewer System**" all municipal separate storm sewer systems that are either:

- A. Located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census: or
- B. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- C. Owned or operated by a municipality other than those described in paragraphs (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

28. "**Large Construction Site**" construction activity including clearing, grading and excavation, **except** operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres. (Please see Part I.B.14 for partial waivers.)

29. "**Larger Common Plan of Development**" a contiguous (sharing a boundary or edge; adjacent; touching) area where multiple and distinct construction activities may be taking place at different times on different schedules under one plan. Such a plan might consist of many small projects (e.g. a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development.) All these areas would remain part of the common plan of development or sale. The following items can be used as guidance for deciding what might or might not be considered a “Common Plan of Development or Sale.” The “plan” in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. The applicant must still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage that is personally disturbed.

If a smaller project (i.e., less than 1 acre) is part of a large common plan of development or sale (e.g., you are building a residential home on a ½ acre lot in a 40 acre subdivision or are putting in a fast food restaurant on a ¾ acre pad that is part of a 20 acre retail center) permit coverage is required. Under 40 CFR 122.26(b)(2)(vi), smaller parts of a larger common plan of development are automatically authorized under this general permit and should follow the conditions of a site with automatic coverage set forth in this permit (see Part I.B.6.A).

30. "**NOC**" Notice of Coverage

31. "**NOI**" Notice of Intent to be covered by this permit.

32. "**NOT**" Notice of Termination.

33. "**Operator**" for the purpose of this permit and in the context of stormwater associated with construction activity, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.

In addition, for purposes of this permit and determining who is an operator, "owner" refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline or a landowner who allows a mining company to remove dirt, shale, clay, sand, gravel, etc. from a portion of his property). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

34. "**Outfall**" a point source where stormwater leaves the construction site.

35. "**Owner**" the owner or operator of any "facility or activity" subject to regulation under the NPDES program. In addition, for purposes of this permit and determining who is an operator, "owner" refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g. having a house built by a residential homebuilder).

36. "**Physically Interconnected**" that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

37. "**Point Source**" any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

38. "**Qualified Local Program**" is a municipal program for stormwater discharges associated with construction sites that has been formally approved by the Department.

39. "**Qualified personnel**" a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

40. "**Regulated Small Municipal Separate Storm Sewer System**" all municipal separate storm sewer systems that are either:

- A. Located within the boundaries of an "urbanized area" with a population of 50,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- B. Owned or operated by a municipality other than those described in paragraph A and that serve a jurisdiction with a

- population of at least 10,000 and a population density of at least 1,000 people per square mile; or
- C. Owned or operated by a municipality other than those described in paragraphs A and B and that contributes substantially to the pollutant loadings of a “physically interconnected” municipal separate storm sewer system.

**41. "Retention Basin"** a basin that is designed to hold the stormwater from a rain event and allow the water to infiltrate through the bottom of the basin. A retention basin also stores stormwater, but the storage of the stormwater would be on a more permanent basis. In fact, water often remains in a retention basin indefinitely, with the exception of the volume lost to evaporation and the volume absorbed into the soils. This differs greatly from a detention basin, which typically drains after the peak of the storm flow has passed, sometimes while it is still raining.

**42. "Runoff Coefficient"** the fraction of total rainfall that will appear at the conveyance as runoff.

**43. "Sediment"** material that settles to the bottom of a liquid.

**44. "Sediment Basin"** a basin that is designed to maintain a 10 year-24 hour storm event for a minimum of 24-hours in order to allow sediment to **settle** out of the water.

**45. "Small Construction Site"** construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance.

**46. "Stormwater"** stormwater runoff from rainfall, snow melt runoff, and surface runoff and drainage.

**47. "Stormwater Associated with Construction Activity"** the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to construction activity.

**48. "Stormwater Pollution Prevention Plan (SWPPP or SWP3)"** a plan that includes site map(s), an identification of construction/contractor, activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants (BMPs).

**49. "Temporary Sediment Controls"** controls that are installed to control sediment runoff from the site. These could be silt fencing, rock check dams, etc.

**50. "Total Maximum Daily Load" or "TMDL"** the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

**51. "Uncontaminated"** cannot exceed the water quality standards as set forth in APCEC Regulation 2.

**52. "Urbanized Area"** the areas of urban population density delineated by the Bureau of the Census for statistical purposes and generally consisting of the land area comprising one or more central place(s) and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census.

## **SECTION B: COVERAGE UNDER THIS PERMIT**

### **Introduction**

This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to surface Waters of the State subject to the conditions set forth in this permit. This permit also authorizes stormwater discharges from any other construction activity designated by ADEQ where ADEQ makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to Waters of the State. This permit replaces the permit issued in 2008. The goal of this permit is to minimize the discharge of stormwater pollutants from construction activity. The Operator should make sure to read and understand the conditions of the permit. A copy of the General Stormwater Construction Permit is available on the ADEQ web site at [http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/construction/construction.htm](http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm) . You may also obtain a hard copy by contacting the ADEQ's General Permits Section at (501) 682-0623.

1. **Permitted Area.** If a large or small construction activity is located within the State of Arkansas, the operator may be eligible to obtain coverage under this permit.
2. **Eligibility.** Permit eligibility is limited to discharges from “large” and “small” construction activity, or as otherwise designated by ADEQ. This general permit contains eligibility restrictions, as well as permit conditions and requirements. Operators may have to take certain actions to be eligible for coverage under this permit. In such cases, operators must continue to satisfy those eligibility provisions to maintain permit authorization. If operators do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if operators are eligible for coverage under this permit and do not comply with the requirements of the general permit, they may be in violation of the general permit for otherwise eligible discharges.
  - A. This general permit authorizes discharges from construction activities as defined in 40 CFR 122.26(a), 40 CFR 122.26(b)(14)(x), 40 CFR 122.26(b)(15)(i) and 40 CFR Part 450.
  - B. This permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, borrow areas) provided:
    - 1) The support activity is directly related to a specific construction site that is required to have NPDES permit coverage for discharges of stormwater associated with the construction activity;
    - 2) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports;
    - 3) Pollutant discharges from support activity areas are minimized in compliance with conditions of this permit; and
    - 4) discharges from the support activity areas must be identified in a Stormwater Pollution Prevention Plan (SWPPP) stating appropriate controls and measures for the area.
  - C. Other activities may be considered for this permit at the discretion of the Director as defined in 40 CFR 122.26(b)(15)(ii).
3. **Responsibilities of the Operator.** Permittees with operational control are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on the construction site, including protection of endangered species and implementation of BMPs and other controls required by the SWPPP. Receipt of this general permit does not

relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

- 4. Where to Submit.** The operator shall submit a complete and signed Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and application fee to the Department at the following address:

Arkansas Department of Environmental Quality  
Discharge Permits Section  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

Or by electronic mail (Complete documents (NOI and SWPPP) must be submitted in PDF format) to:

[Water-permit-application@adeq.state.ar.us](mailto:Water-permit-application@adeq.state.ar.us) ;

NOTE: Notice of Coverage (NOC) will **NOT** be issued until payment has been received by ADEQ.

- 5. Requirements for Qualifying Local Program (QLP).** The Department reviews and approves the QLPs to ensure that they meet or supersede both state and federal requirements outlined in this permit and 40 CFR 122.44(s). ADEQ will review the QLP at least every 5 years for recertification. If the Department approves a QLP, then the QLP requirements must at the minimum meet the Department's requirements. This would include all templates and forms. This permit may be modified to add new QLPs or modify existing QLPs at the Department's discretion. All public notice and other applicable costs incurred by the modification of the permit for the addition or modification of a QLP will be paid by the QLP.

If the small construction site is within the jurisdiction of a QLP, the operator of the small construction site is authorized to discharge stormwater associated with construction activity under QLP permit requirements only.

At this time only the City of Hot Springs is meeting the ADEQ minimum requirements.

**6. Requirements for Coverage.**

- A. Automatic Coverage. An operator of each site with automatic coverage may discharge under this general permit without submitting to the Department a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP) and fee. All the permit conditions set forth must be followed. However, a completed NOC must be posted at the site for automatic permit coverage prior to commencing construction. Operators must have a copy of the SWPPP at the construction to have permit coverage and authorization to discharge.

The Operator is responsible for ensuring that the site is in compliance with any changes or updates of this general permit, by either contacting ADEQ or reviewing the ADEQ website

[http://www.adeq.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/construction/construction.htm](http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm) .

- B. Large Construction Sites. An operator of a large construction site discharging under this general permit must submit the following items at least two weeks prior to commencement of construction:

- 1) An NOI in accordance with the requirements of Part I.B.7 of this permit.
- 2) A complete SWPPP in accordance with the requirements of Part II.A of this permit.
- 3) An initial permit fee must accompany the NOI under the provisions of APCEC Regulation No. 9. Subsequent annual fees will be billed by the Department until the operator has requested a termination of coverage by

submitting a Notice of Termination (NOT). Failure to remit the required permit fee may be grounds for the Director to deny coverage under this general permit.

- C. *Coverage within a QLP.* An operator of a site with automatic coverage, as defined in this permit, shall comply with the requirements of the QLP which has jurisdiction over the site.

**7. Notice of Intent (NOI) Requirements.**

- A. *NOI Form.* Large Construction site operators who intend to seek coverage for stormwater discharge under this general permit must submit a complete and accurate ADEQ NOI form to the Department at least two weeks prior to coverage under this permit. The NOI form **must** be the current version obtained from the stormwater webpage indicated above in Part I.B.

If the NOI is deemed incomplete, the Department will notify the applicant with regard to the deficiencies by a letter, email, or phone within ten (10) business days of receipt of NOI. If the operator does not receive a notification of deficiencies from ADEQ's receipt of the NOI, the NOI is deemed complete. If the applicant does not provide the Department with the requested deficiencies within the deadline set by the Department, then the Department will return the NOI, fee and SWPPP back to the applicant.

- B. *Contents of the NOI.* The NOI form contains, at a minimum, the following information:

- 1) Operator (Permittee) information (name, address, telephone and fax numbers, E-mail address)
- 2) Whether the operator is a federal, state, private, public, corporation, or other entity
- 3) Application Type: New or renewal
- 4) Invoice mailing information (name, address, and telephone and fax numbers)
- 5) Project Construction site information (name, county, address, contact person, direction to site, latitude and longitude for the entrance of the site or the endpoints for linear project (in degrees, minutes, and seconds), estimated construction start date and completion date through site final stabilization, estimate of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, type of the project (subdivision, school, etc), whether the project is part of a larger common plan of development.)
- 6) Discharge information (name of the receiving stream, ultimate receiving stream, name of municipal storm sewer system)
- 7) Previous/Current permit information
- 8) The Certification statement and signature of a qualified signatory person in accordance with 40 CFR 122.22, as adopted by reference in APCEC Regulation No. 6
- 9) The certification of the facility corporation
- 10) Other information (location of the SWPPP).

- C. *Notice of Coverage (NOC).* Unless notified by the Director to the contrary, dischargers who submit a NOI in accordance with the requirements of this permit are authorized to discharge stormwater from construction sites under the terms and conditions of this permit two weeks after the date the NOI is deemed complete by ADEQ. If the NOC has not been received by the permittee two weeks after the date the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

**8. Posting Notice of Coverage (NOC).**

- A. *Large Sites: NOC Posting for Large Construction Sites.* The posting for large construction sites shall be obtained from

the Department only after the permittee has met the NOI, permit fee and complete SWPPP submittal to the Department for the coverage.

- B. ***Automatic Coverage Sites.*** The Automatic Coverage (NOC) for small sites and a single site less than five (5) acres but part of a larger common plan, as defined in Part I.A, can be obtained from the Water Division's Construction Stormwater webpage at:

[http://www.adeq.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/construction/construction.htm](http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm).

The NOC must be posted at the site prior to commencing construction. In addition, a copy of the SWPPP must be available at the construction site in accordance with Part II.A.2. B and D prior to commencing construction.

- C. ***Linear Projects.*** If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary.

Please note, this permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that the permittee allow members of the public access to a construction site.

9. **Applicable Federal, State or Local Requirements.** The operator must ensure that the stormwater controls implemented at the site are consistent with all applicable federal, state, or local requirements. Additionally, an operator who is operating under approved local erosion and sediment plans, grading plans, local stormwater permits, or stormwater management plans shall submit signed copies of the Notice of Intent (NOI) to the local agency (or authority) upon the local agency's request.

**10. Allowable Non-Stormwater Discharges.**

- A. The following non-stormwater discharges that are combined with stormwater during construction may be authorized by this permit. Non-stormwater discharges must be addressed in the stormwater pollution prevention plan and measures to minimize or eliminate non-stormwater discharge should be taken if reasonably possible.

- 1) Fire fighting activities;
- 2) Fire hydrant flushings;
- 3) Water used to wash vehicles (where detergents or other chemicals are not used) or control dust in accordance with Part II.A.4.H.2;
- 4) Potable water sources including uncontaminated waterline flushings;
- 5) Landscape Irrigation ;
- 6) Routine external building wash down which does not use detergents or other chemicals;
- 7) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents or other chemicals are not used;
- 8) Uncontaminated air conditioning, compressor condensate (See Part I.B.12.C of this permit);,
- 9) Uncontaminated springs, excavation dewatering and groundwater (See Part I.B.12.C of this permit);
- 10) Foundation or footing drains where flows are not contaminated with process materials such as solvents (See Part I.B.12.C of this permit);

11. **Limitations on Coverage (Exclusions).** The following stormwater discharges associated with construction activity are not covered by this permit:

- A. ***Post Construction Discharge.*** Stormwater discharges associated with construction activities that originate from the site after construction activities have been completed, the site has undergone final stabilization, and the permit has been terminated.
- B. ***Discharges Mixed with Non-Stormwater.*** Stormwater discharges that are mixed with sources of non-stormwater other than those identified in Part I.B.10.



- C. Discharges Covered by another Permit. Stormwater discharges associated with construction activity that are covered under an individual or an alternative general permit may be authorized by this permit after an existing permit expires provided the expired permit did not establish numeric effluent limitations for such discharges.
- D. Discharges into Receiving Waters with an Approved TMDL. Discharges from a site into receiving waters for which there is an established total maximum daily load (TMDL) allocation ([www.adeq.state.ar.us/water/branch\\_planning/default.htm](http://www.adeq.state.ar.us/water/branch_planning/default.htm)) for Turbidity, Oil & Grease, and/or other pollutants at the discretion of the Director are not eligible for coverage under this permit unless the permittee develops and certifies a stormwater pollution prevention plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, operators must incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric allocation has been established that would apply to the project's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation. Please note that the Department will be reviewing this information. If it is determined that the project will discharge into a receiving stream with a TMDL, then the Department may require additional BMPs.
- E. Discharges into Impaired Receiving Waters (303(d) List). Discharges from a site into a receiving waters listed as impaired under Section 303(d) of the Clean Water Act ([www.adeq.state.ar.us/water/branch\\_planning/default.htm](http://www.adeq.state.ar.us/water/branch_planning/default.htm)) for Turbidity, Oil & Grease and/or other pollutants at the discretion of the Director, must incorporate into the SWPPP any additional BMPs needed to sufficiently protect water quality. The SWPPP must include a proposal for monitoring to determine if the BMPs and controls are effective. Please note that the Department will be reviewing this information. If it is determined that the project will discharge to an impaired water body, then the Department may require additional BMPs.

12. Effluent Limitation Guidelines (ELG). All permittees must comply with the following effluent limits:

- A. Erosion and Sediment Controls. Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
- 1) Control stormwater volume and velocity within the site to minimize soil erosion;
  - 2) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
  - 3) Minimize the amount of soil exposed during construction activity;
  - 4) Minimize the disturbance of steep slopes;
  - 5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
  - 6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and
  - 7) Minimize soil compaction and, unless infeasible, preserve topsoil.
- B. Soil Stabilization. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permitting authority. In arid, semiarid, and drought-

stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority.

- C. Dewatering. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. There shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground waters contain sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag, or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- D. Pollution Prevention Measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- 1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or BMP control that provides equivalent or better treatment prior to discharge;
  - 2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
  - 3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- E. Prohibited discharges. The following discharges are prohibited:
- 1) Wastewater from washout of concrete, unless managed by an appropriate control;
  - 2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - 3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - 4) Soaps or solvents used in vehicle and equipment washing.
- F. Surface Outlets. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

**13. Natural Buffer Zones**. A natural buffer zone as stated below shall be maintained at all times. Exceptions from this requirement for areas, such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law.

- A. For construction projects where clearing and grading activities will occur, the SWPPP must provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any named or unnamed streams, creeks, rivers, lakes or other water bodies.
- B. The Department may also require up to fifty (50) feet of natural buffer zone, as measured from the top of the bank to the disturbed area, from established TMDL water bodies, streams listed on the 303 (d)-list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW), and/or any other uses

at the discretion of the Director.

C. Linear projects will be evaluated individually by the Department to determine natural buffer zone setbacks.

**14. Waivers from Permit Coverage.** The Director may waive the otherwise applicable requirements of this general permit for stormwater discharges from construction activities under the terms and conditions described in this section.

A. *Waiver Applicability and Coverage.* Based upon 40 CFR Part 122.26.b.15.i.A, operators of small construction activities may apply for and receive a waiver from the requirements to obtain this permit.

B. *No Stormwater Leaving the Site.* If all of the stormwater from the construction activity is captured on-site under any size storm event and allowed to evaporate, soak into the ground on-site, or is used for irrigation, a permit is not needed.

C. *TMDL Waivers.* This waiver is available for sites with automatic coverage if the ADEQ has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by ADEQ is available from ADEQ online at [http://www.adeg.state.ar.us/water/branch\\_planning/default.htm](http://www.adeg.state.ar.us/water/branch_planning/default.htm).

**15. Notice of Termination (NOT).** All construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director. Along with the NOT, pictures that represent the entire site should be submitted for review. Final stabilization is not required if the land is returned to its pre-construction agriculture use. Operators of small construction sites are not required to submit NOTs for their construction sites. However, final stabilization is required on all sites. If a Notice of Termination is not submitted when the project is completed, the operator will be responsible for annual fees.

**16. Responsibilities of the Operator of a Larger Common Plan of Development for a Subdivision.**

A. The operator is ultimately responsible for the runoff from the perimeter of the entire development. Regardless for the reason of the runoff, the operator is responsible for ensuring sufficient overall controls of the development.

B. The operator shall not terminate the permit coverage until the following conditions have been met:

- 1) After all construction including landscaping and lot development has been completed; and
- 2) All lots are sold and developed.

The following exceptions to this requirement can apply:

- a. less than 100% sold and developed at the discretion of the Director, or
- b. Separation of the larger common plan if twenty-four (24) months have passed with no construction activity, or
- c. All lots are developed and there are no temporary common controls for subdivision outfalls, i.e. sediment basins, large sediment traps, check dams, etc.

3) If lots are sold then re-sold to a third party then permit coverage needs to be obtained by each of the operators while they have ownership of the lots. The second owner is responsible to obtain the same certification from the third owner, i.e. the certification must pass from owner to owner.

C. The operator shall not terminate permit coverage until the operators of all the individual lots within the larger common plan are notified of their permitting requirements under this general permit. In this case, the signed certification statements from each operator of individual lots must be maintained in the stormwater pollution prevention plan for the large common plan. A copy of the signed certifications must be submitted to ADEQ with the NOT. The certification shall be as follows:

“I, \_\_\_\_\_, operator of an individual lot #\_\_\_\_\_, block #\_\_\_\_\_ of \_\_\_\_\_ subdivision, certify under penalty of law that I was notified by the operator of the larger common plan of the stormwater permitting requirements for my construction site(s). I understand prior to commencement of any construction activity I have to prepare and comply with a SWPPP and post the Construction Site Notice. I understand that prior to the sale of this lot to another party; I must notify the new owner of ADEQ requirements and obtain this certification from the new owner.”

Signature \_\_\_\_\_

D. The following examples are provided as clarification:

- 1) If a small portion of the original common plan of development remains undeveloped and there has been a period of time (i.e., more than 24 months) where there are no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), operators may re-evaluate the original project based on the acreage remaining from the original “common plan.” If less than five but more than one acre remains to build out the original “common plan”, coverage under the large permit may not be required. However, operators will need to comply with the terms and conditions for Small Construction Sites in the Construction General Permit. If less than one acre remains of the original common plan, the individual project may be treated as a part of a less than one acre development and no permit would be required.
- 2) If operators have a long-range master plan of development where some portions of the master plan are conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended period of time (i.e., more than 24 months), operators may consider the “conceptual” phases of development to be separate “common plans” provided the periods of construction for the physically interconnected phases will not overlap.
- 3) Where discrete construction projects within a larger common plan of development or sale are located ¼ mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed. For example, an interconnecting access road or pipeline were under construction at the same time, they would generally be considered as a part of a single “common plan” for permitting purposes.
- 4) If the operator sells all the lots in the subdivision to one or more multi-lot homebuilder(s), provisions must be made to obtain stormwater permit coverage by one of the following options:
  - a. The permit may be transferred from the first “operator” to the new/second “operator”.
  - b. A new, separate permit may be obtained by the second “operator”.

NOTE: If a new permit is to be obtained, then it must be obtained before the first/original permit is terminated.
- 5) If the operator retains ownership of any lots in the subdivision, the operator shall maintain permit coverage for those lots under the original permit. The operator shall modify the Stormwater Pollution Prevention Plan (SWPPP) by stating which lots are owned and marking the lots on the site map. If there are one (1) or two (2) lots remaining and the total acreage is less than five (5) acres, the original permit could be terminated and those lots could be

covered as a small site.

- 17. Change in Operator.** For stormwater discharges from large construction sites where the operator changes, including instances where an operator is added after the initial NOI has been submitted, the new operator must ensure that a permit transfer form is received by the Department at least two (2) weeks prior to the operator beginning work at the site.
- 18. Late Notifications.** A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Part I.B.6 of this permit. In such instances, the Director may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of stormwater associated with construction activity that have occurred on or after the dates specified in this permit.
- 19. Failure to Notify.** The operator of a construction site who fails to notify the Director of their intent to be covered under this permit, and who potentially discharges pollutants (sediment, debris, etc.) to Waters of the State without an NPDES permit, is in violation of the Arkansas Water and Air Pollution Control Act.
- 20. Maintenance.** Determination of the acreage of disturbance does not typically include disturbance for routine maintenance activities on existing roads where the line and grade of the road is not being altered, nor does it include the paving of existing roads. Maintenance activities (returning to original conditions) are not regulated under this permit unless one or more acres of underlying and/or surrounding soil are cleared, graded, or excavated as part of the operation.
- 21. Releases in Excess of Reportable Quantities.**
- A. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility. This permit does not relieve the operator of the reporting requirements of 40 CFR Parts 110, 117 and 302. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reporting quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period, the following action shall be taken:
- 1) Any person in charge of the facility is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 110, 40 CFR 117, or 40 CFR 302 as soon as he/she has knowledge of the discharge;
  - 2) The operator shall submit within five (5) calendar days of knowledge of the release a written description of the release (including the type and estimate of the amount of material released), the date that such release occurred, and the circumstances leading to the release, and steps to be taken in accordance with Part II.B.13 of this permit to the ADEQ.
  - 3) The Stormwater Pollution Prevention Plan (SWPPP) described in Part II.A of this permit must be modified within fourteen (14) calendar days of knowledge of the release to:
    - a. Provide a description of the release and the circumstances leading to the release; and
    - b. The date of the release;
  - 4) Additionally, the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.
- B. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

**22. Attainment of Water Quality Standards.**

The operator must select, install, implement and maintain control measures at the construction site that minimize the discharge of turbidity and/or oil and grease and/or other pollutants at the discretion of the Director as necessary to protect water quality. In general, except in situations explained in below, the stormwater controls developed, implemented, and updated to be considered stringent enough to ensure that discharges do not cause or contribute to an excursion above any applicable water quality standard.

At any time after authorization, the ADEQ may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, ADEQ will require the permittee to:

- A. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
- B. Cease discharges of pollutants from construction activity and submit an individual permit application.

All written responses required under this part must include a signed certification consistent with Part II.B.9.

## **PART II STANDARD CONDITIONS**

Information in **Part II** is organized as follows:

**Section A:** Stormwater Pollution Prevention Plans (SWPPP):

1. Deadlines for Plan Preparation and Compliance
2. Signature, SWPPP, Inspection Reports, and Notice of Coverage (NOC)
3. Keeping SWPPP Current
4. Contents of the Stormwater Pollution Prevention Plan
5. Plan Certification

**Section B:** Standard Permit Conditions:

1. Retention of Records
2. Duty to Comply
3. Penalties for Violations of Permit Conditions
4. Continuance of Expired General Permit
5. Need to Halt or Reduce Activity Not a Defense
6. Duty to Mitigate
7. Duty to Provide Information
8. Other Information
9. Signatory Requirements
10. Certification
11. Penalties for Falsification of Reports
12. Penalties for Tampering
13. Oil and Hazardous Substance Liability
14. Property Rights
15. Severability
16. Transfers
17. Proper Operation and Maintenance
18. Inspection and Entry
19. Permit Actions
20. Re-Opener Clause
21. Local Requirements
22. Applicable Federal, State Requirements

## **SECTION A: STORMWATER POLLUTION PREVENTION PLANS (SWPPP)**

The operator must prepare a Stormwater Pollution Prevention Plan (the plan/SWPPP) before permit coverage. At least one SWPPP must be developed for each construction project or site covered by this permit. The SWPPP must follow the order outlined in Part II.A.4 & 5 below. This basic ADEQ format is available through the Department's website [http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/construction/construction.htm](http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm). Other formats may be used at the discretion of the Director **if** the format has been approved by the Department prior to use. The operator must implement the SWPPP as written from initial commencement of construction activity until final stabilization is complete, with changes being made as deemed necessary by the permittee, local, state or federal officials. The plan shall be prepared in accordance with good engineering practices, by qualified personnel and must:

- Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction;
- Identify, describe and ensure the implementation of Best Management Practices (BMPs), with emphasis on initial site stabilization, which are to be used to reduce pollutants in stormwater discharges from the construction site;
- Be site specific to what is taking place on a particular construction site;
- Ensure compliance with the terms and conditions of this permit; and
- Identify the responsible party for on-site SWPPP implementation.

### **1. Deadlines for Plan Preparation and Compliance.**

#### **A. Large Construction Sites.**

The plan shall be completed and submitted for review, along with a NOI and initial permit fee 2 weeks prior to commencement of construction activities. Submittals of updates to the plan during the construction process are required only if requested by the Director.

#### **B. Automatic Coverage Sites.**

The plan shall be completed prior to the commencement of construction activities and updated as appropriate. Submittal of NOI, permit fee and SWPPP is not required. All conditions set forth in Part II.A must be followed and the NOC must be posted at the site prior to commencing construction. In addition, a copy of the SWPPP must be available at the construction site in accordance with Part II.2. B and D prior to commencing construction.

#### **C. Existing Permittees.**

Existing permittees, that were permitted prior to the issuance of this renewal permit, are required to update their plan as appropriate to come into compliance with the requirements contained in Part II.A.4 within **ninety (90) days** from the effective date of this permit.

### **2. Signature, Stormwater Pollution Prevention Plan (SWPPP), Inspection Reports and Notice of Coverage (NOC).**

- A. The SWPPP and inspection reports shall be signed by the operator (or cognizant official) in accordance with Part II.B.9 and be retained at the construction site during normal business hours (8:00 A.M. – 5:00 P.M.).
- B. The operator shall make SWPPP and inspection reports available, upon request, to the Director, the EPA, or a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or, in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
- C. The Director, or authorized representative, may notify the operator at any time that the plan does not meet one or more of the minimum requirements of this Part. Within seven (7) business days of such notification from the Director, (or as



otherwise provided by the Director), or authorized representative, the operator shall make the required changes to the plan and submit to the Director a written certification that the requested changes have been made. The Department may request re-submittal of the SWPPP to confirm that all deficiencies have been adequately addressed. The Department may also take appropriate enforcement action for the period of time the operator was operating under SWPPP that did not meet the minimum requirements of this permit.

D. The operator must post the NOC near the main entrance of the construction site and visible to the public. The NOC will indicate the location of the SWPPP. If the SWPPP location is changed from the initial location, the NOC shall be updated to reflect the correct location of the SWPPP

3. **Keeping SWPPP Current.** The operator shall amend the SWPPP within seven (7) business days or whenever there is a change in design, construction, operation, or maintenance at the construction site which has or could have a significant effect on the potential for the discharge of pollutants to the Waters of the State that has not been previously addressed in the SWPPP. The SWPPP should also be modified if a determination has been made through inspections, monitoring (if required), *or* investigation by the operator, local, state, or federal officials that the discharges are causing or contributing to water quality violation or the plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in stormwater discharges from the construction site.

4. **Contents of the Stormwater Pollution Prevention Plan (SWPPP).** The SWPPP shall include the following items:

A. **Site Description.** SWPPP shall provide a description of the following:

- 1) A description of the nature of the construction activity and its intended use after the Notice of Intent (NOI) is filed (i.e., residential subdivision, shopping mall, etc.);
- 2) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, infrastructure installation, etc.);
- 3) Estimates of the total area of the site (including off-site borrow and fill areas) and the total area of the site that is expected to be disturbed by excavation, grading or other activities; and
- 4) An estimate of the runoff coefficient of the site for pre- and post-construction activities and existing data describing the soil or the quality of any discharge from the site.

B. **Responsible Parties.** The SWPPP must identify (as soon as this information is known) all parties (i.e., General Contractors, Landscapers, Project Designers, and Inspectors) responsible for particular services they provide to the operator to comply with the requirements of the SWPPP for the project site, and areas over which each party has control. If these parties change over the life of the permit, or new parties are added, then the SWPPP should be updated to reflect these changes.

C. **Receiving Waters.** The SWPPP must include a clear description of the nearest receiving water(s), or if the discharge is to a municipal separate storm sewer, the name of the operator of the municipal system, and the ultimate receiving water(s).

D. **Documentation of Permit Eligibility Related to the 303 (d) list and Total Maximum Daily Loads (TMDL).** The SWPPP should include information on whether or not the stormwater discharges from the site enter a water body that is on the most recent 303 (d) list or with an approved TMDL. If the stormwater discharge does enter a water body that is on the most recent 303(d) list or with an approved TMDL, then the SWPPP should address the following items:

- 1) Identification of the pollutants that the 303 (d) list or TMDL addresses, specifically whether the 303 (d) list or TMDL addresses sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);
- 2) Identification of whether the operator's discharge is identified, either specifically or generally, on the 303 (d) list or any associated assumptions and allocations identified in the TMDL for the discharge; and
- 3) Measures taken by the operator to ensure that its discharge of pollutants from the site is consistent with the assumptions and allocations of the TMDL.

If the Department determines during the review process that the proposed project will be discharging to a receiving water that is on the most recent 303 (d) list or with an approved TMDL, then the Department will notify the applicant to include additional Best Management Practices in the SWPPP.

E. Attainment of Water Quality Standards After Authorization.

- 1) The permittee must select, install, implement, and maintain BMPs at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained below, the SWPPP developed, implemented, and updated to be considered as stringent as necessary to ensure that the discharges do not cause or contribute to an excursion above any applicable water quality standard.
- 2) At any time after authorization, the Department may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, the Department will require the permittee to:
  - a. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
  - b. Cease discharges of pollutants from construction activity and submit an individual permit application.
- 3) All written responses required under this part must include a signed certification (Part II.B.9)

F. Site Map. The SWPPP must contain a legible site map (or multiple maps, if necessary) complete to scale, showing the entire site, that identifies, at a minimum, the following:

- 1) Pre-construction topographic view;
- 2) Direction of stormwater flow (i.e., use arrows to show which direction stormwater will flow) and approximate slopes anticipated after grading activities;
- 3) Delineate on the site map areas of soil disturbance and areas that will not be disturbed under the coverage of this permit;
- 4) Location of major structural and nonstructural controls identified in the plan;
- 5) Location of main construction entrance and exit;
- 6) Location where stabilization practices are expected to occur;
- 7) Locations of off-site materials, waste, borrow area, or equipment storage area;
- 8) Location of areas used for concrete wash-out;
- 9) Location of all surface water bodies (including wetlands);
- 10) Locations where stormwater is discharged to a surface water and/or municipal separate storm sewer system if applicable,
- 11) Locations where stormwater is discharged off-site (should be continuously updated);
- 12) Areas where final stabilization has been accomplished and no further construction phase permit requirements apply.

G. Stormwater Controls. Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe for each activity identified in the project description control measures associated with the activity and the schedule during the construction process that the measures will be implemented. Perimeter controls for the site must be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls must be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls must be removed after final stabilization and properly disposed. The description and implementation of controls shall address the following minimum components:

- 1) Initial Site Stabilization, Erosion, and Sediment Controls and Best Management Practices. Design, install, implement and maintain effective erosion and sediment controls to minimize the discharge of pollutants. At a minimum the following controls and Best Management Practices (BMPs) must be designed, installed, implemented and maintained. Therefore, the SWPPP must address, at a minimum, the following:
  - a. For larger common plans, only streets, drainage, utility areas, areas needed for initial construction of streets (e.g., borrow pits, parking areas, etc.) and areas needed for stormwater structures may be disturbed initially. Upon stabilization of the initial areas, additional areas may be disturbed.
  - b. The construction-phase erosion (such as site stabilization) and sediment controls (such as check dams) should be designed to retain sediment on-site to the extent practicable.
  - c. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications, good engineering, and construction practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.
  - d. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets). This permit does not give the authority to trespass onto other property; therefore this condition should be carried out along with the permission of neighboring land owners to remove sediment.
  - e. Sediment must be removed from sediment traps (if used please specify what type) or sedimentation ponds when design capacity has been reduced by 50%.
  - f. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls picked up daily).
  - g. Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWPPP.
  
- 2) Stabilization practices. The SWPPP must include, at a minimum, the following information:
  - a. Description and Schedule: A description of initial, interim, and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: mulching, temporary seeding, permanent seeding, geotextiles, sod stabilization, natural buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures.
  - b. Description of natural buffer areas: The Department requires that a natural buffer zone be established between the top of stream bank and the disturbed area. The SWPPP must contain a description of how the site will maintain natural buffer zones. For construction projects where clearing and grading activities will occur, SWPPP must provide at least twenty-five (25) feet of natural buffer zone from any named or unnamed streams, creeks, rivers, lakes or other water bodies. The plan must also provide at least fifty (50) feet of natural buffer zone from established TMDL water bodies, streams listed on the 303 (d)-list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW), and/or other uses at the discretion of the Director. If the site will be disturbed within the recommended buffer zone, then the buffer zone area must be stabilized as soon as possible. Exceptions from this requirement for areas, such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law. Please note that above-grade clearing that does not disturb the soil in the buffer zone area does not have to comply with buffer zone requirements.
  - c. Records of Stabilization: A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan.

- d. **Deadlines for Stabilization:** Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except:
- (1) Where the initiation of stabilization measures by the fourteenth (14<sup>th</sup>) day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
  - (2) In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority.
- 3) **Structural Practices.** A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Clean Water Act. Such practices may include but are not limited to:
- silt fences (installed and maintained)
  - earthen dikes to prevent run-on
  - drainage swales to prevent run-on
  - check dams
  - subsurface drains
  - pipe slope drains
  - storm drain inlet protection
  - rock outlet protection
  - sediment traps
  - reinforced soil retaining systems
  - gabions
  - temporary or permanent sediment basins.

A combination of erosion and sediment control measures is encouraged to achieve maximum pollutant removal. Adequate spillway cross-sectional area and re-enforcement must be provided for check dams, sediment traps, and sediment basins.

a. **Sediment Basins:**

- (1) For common drainage locations that serve an area with ten (10) or more acres (including run-on from other areas) draining to a common point, a temporary or permanent sediment basin that provides storage based on either the smaller of 3600 cubic feet per acre, or a size based on the runoff volume of a 10 year, 24 hour storm, shall be provided where attainable (so as not to adversely impact water quality) until final stabilization of the site. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on site, etc. Proper hydraulic design of the outlet is critical to achieving the desired performance of the basin. The outlet should be designed to drain the basin within twenty-four (24) to seventy-two (72) hours. (A rule of thumb is one square foot per acre for a spillway design.) The 24-hour limit is specified to provide adequate settling time; the seventy-two (72)-hour limit is specified to mitigate vector control concerns. If a pipe outlet design is chosen for the outfall, then an emergency spillway is required. If “non-attainability” is claimed, then an explanation of non-attainability shall be included in the SWPPP. Where a sediment basin is not attainable, smaller sediment basins and/or sediment traps shall be used. Where a sediment basin is un-attainable, natural buffer strips or other suitable controls which are effective are required for all side slopes and down slope boundaries of the construction area. The plans for removal of the sediment basin should also be included with the description of the basin in the SWPPP.
- (2) For drainage locations serving an area less than ten (10) acres, sediment traps, silt fences, or equivalent

sediment controls are required for all side slope and down slope boundaries of the construction area unless a sediment basin providing storage based on either the smaller of 3600 cubic feet per acre, or a size based on the run off volume of a 10 year, 24 hour storm is provided. (A rule of thumb is one square foot per acre for a spillway.) However, in order to protect the Waters of the State, the Director, at their discretion, may require a sediment basin for any drainage areas draining to a common point.

b. Velocity Dissipation Devices:

Velocity dissipation devices must be placed at discharge locations, within concentrated flow areas serving two or more acres, and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (i.e., no significant changes in the hydrological regime of the receiving water). Please note that the use of hay-bales is not recommended in areas of concentrated flow.

H. Other Controls.

- 1) No solid materials, including building materials, shall be discharged to Waters of the State.
- 2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized through the use of a stabilized construction entrance and exit and/or vehicle tire washing.
- 3) For lots that are less than one (1) acre in size an alternative method may be used in addition to a stabilized construction entrance. An example of an alternative method could be daily street sweeping. This could allow for the shortening of the construction entrance.
- 4) The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, temporary and permanent sanitary sewer or septic system regulations.
- 5) No liquid concrete waste shall be discharged to Waters of the State. Appropriate controls to prevent the discharge of concrete washout waters must be implemented if concrete washout will occur on-site.
- 6) No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State. Methods for protecting these areas shall be identified and implemented. These areas should not be located near a water body, if there is a water body on or near the project.

I. Non-stormwater discharges. Sources of non-stormwater listed in Part I.B.10 of this permit that are combined with stormwater discharges associated with construction activity must be identified in the plan. This list should be site specific non-stormwater discharges.

J. Post-Construction Stormwater Management. The operator is required to provide a description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 (Corps of Engineers) of the Clean Water Act. This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. However, post-construction stormwater BMPs that discharge pollutants from a point source once construction is completed may need authorization under a separate ADEQ NPDES permit. Such practices may include but are not limited to:

- infiltration of runoff onsite
- flow attenuation by use of open vegetated swales and natural depressions
- stormwater retention structures
- stormwater detention structures (including wet ponds)
- sequential systems, which combine several practices

A goal of at least 80 % removal of total suspended solids from these flows which exceed predevelopment levels should be used in designing and installing stormwater management controls (where practicable). Where this goal is not met, the operator shall provide justification for rejecting each practice listed above based on site conditions.

K. Applicable State or Local Programs. The SWPPP must be updated as necessary to reflect any revisions to applicable federal, state, or local requirements that affect the stormwater controls implemented at the site.

L. Inspections.

Inspections should be conducted by qualified personnel (provided by the operator). Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the stormwater conveyance system. Erosion and sedimentation control measures must be observed to ensure proper operation. Discharge locations must be inspected to determine whether erosion control measures are effective in preventing significant impacts to Waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections may not be required if the lot(s) within a larger common plan is/are sufficiently stabilized. In addition, inspections may not be required on a completed section of a linear project if that section has been sufficiently stabilized. Stabilized areas of the project should be indicated in the SWPPP and site map and show what date they were stabilized. The operator must ensure that no sediment will leave the lot(s) that are stabilized. These lots must be identified within the SWPPP and show what date they were stabilized. If the operator is unable to ensure this, then inspections must continue.

1) Inspection Frequency. Inspections must be conducted in accordance with one of the following schedules listed below. The schedule **must be specified** in the Stormwater Pollution Prevention Plan (SWPPP).

- a. At least once every 7 calendar days, or
- b. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater (a rain gauge must be maintained on-site).

2) Inspection Form. The ADEQ inspection form should be used for all inspections. The inspection form should include any erosion/sediment controls that are being used on the site. The form is available on the Department's website [www.adeg.state.ar.us](http://www.adeg.state.ar.us). If a different form is used it must at a minimum contain the following information:

- a. Inspector Name and Title
- b. Date of Inspection
- c. Amount of Rainfall and Days Since Last Rain Event (only applicable to Part II.A.4.L.1.b)
- d. Approximate beginning and duration of the storm event
- e. Description of any discharges during inspection
- f. Locations of discharges of sediment/other pollutants
- g. Locations of BMPs in need of maintenance or where maintenance was performed
- h. If the BMPs are in working order and if Maintenance is required (including when scheduled and completed)
- i. Locations that are in need of additional controls
- j. Location and Dates When Major Construction Activities Begin, Occur or Cease
- k. Signature of qualified signatory official, in accordance with Part II.B.9

Additional information may be added to the inspection report at the permittee's discretion.

3) Inspection Records. The report shall be retained as part of the SWPPP for at least three (3) years from the date the site is finally stabilized. The report shall be signed and have a certification statement in accordance with the requirements of this permit.

4) Winter Conditions. Inspections will not be required at construction sites where snow cover exists over the entire site for an extended period, and melting conditions do not exist. If there is any runoff from the site at any time during snow cover, melting conditions would be considered to be existent at the site and this inspection waiver would not apply. Regular inspections, as required by this permit, are required at all other times as specified in this

permit. If winter conditions prevent compliance with the permit, documentation of the beginning and ending date of winter conditions should be included in the SWPPP.

5) Adverse Weather Conditions. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make inspections impractical, such as extended frozen conditions. When adverse weather conditions prevent the inspection of the site, an inspection should be completed as soon as is safe and feasible. If adverse weather conditions prevent compliance with the permit, documentation of the beginning and ending date of adverse weather conditions should be included in the SWPPP.

M. Maintenance. A description of procedures to maintain vegetation, erosion and sediment control measures and other protective measures in good, effective operating condition shall be outlined in the plan. Any repairs that are needed based on an inspection shall be completed, when practicable, before the next storm event, but not to exceed a period of three (3) business days of discovery, or as otherwise directed by state or local officials. However, if conditions do not permit large equipment to be used, a longer time frame is allowed if the condition is thoroughly documented on the inspection form. Maintenance for manufactured controls must be done at a minimum of the manufacturer's specifications. Maintenance for non-manufactured controls, i.e. check dams, sediment traps, must be done upon 50% capacity.

N. Employee Training. The permittee is responsible for training personnel who are responsible for implementing activities identified in the SWPPP on the components and goals of the SWPPP and the requirements of the general permit. This includes contractors and subcontractors. Training should be given by a knowledgeable and qualified trainer. The SWPPP shall identify periodic dates for such training and records of training must be maintained with the SWPPP. Training records that are maintained electronically (i.e. database, etc) do not need to be maintained with the SWPPP, but must be accessible upon request. Formal training classes given by Universities or other third-party organizations are not required but recommended for qualified trainers; the permittee is responsible for the content of the training being adequate for personnel to implement the requirements of the permit.

5. Plan Certification. The SWPPP Certification must be signed by either the operator or the cognizant official identified on the Notice of Intent. All documents required by the permit and other information requested by the Director shall be signed by operator or by a duly authorized representative of the operator (Please see Part II.B.10 below for certification).

## SECTION B: STANDARD PERMIT CONDITIONS

### 1. Retention of Records.

- A. The operator shall retain records of all Stormwater Pollution Prevention Plans, all inspection reports required by this permit, and records of all data used to complete the Notice of Intent (NOI) to be covered by this permit for a period of at least three years from the date the Notice of Termination letter is signed by the Department. This period may be extended by request of the Director at any time.
- B. The operator shall retain a signed copy of the Stormwater Pollution Prevention Plan (SWPPP) and inspection reports required by this permit at the construction site from the date of project initiation to the date of final stabilization.

2. **Duty to Comply.** The operator must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for: enforcement action; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application.

3. **Penalties for Violations of Permit Conditions.** The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a criminal penalty of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

4. **Continuance of the Expired General Permit.** An expired general permit continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with Arkansas Act 731 of 2011 and remain in force and effect. If the permittee were granted permit coverage prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

- A. Re-issuance or replacement of this permit, at which time operators must comply with the conditions of the new permit, within 180 days prior to expiration date and no later than 30 days prior to expiration date; or
- B. The operator's submittal of a Notice of Termination (NOT); or
- C. Issuance of an individual permit for the project's discharges; or
- D. A formal permit decision by the ADEQ to not re-issue this general permit, at which time operators must seek coverage under an individual permit.

Small site operators are responsible for ensuring that the site is in compliance with any changes or updates of this general permit, by reviewing the ADEQ website at:

[http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/construction/construction.htm](http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm) .

5. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6. **Duty to Mitigate.** The operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.

7. **Duty to Provide Information.** The operator shall furnish to the Director, an authorized representative of the Director, the



EPA, a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or in the case of a stormwater discharge associated with industrial activity which discharges through a Municipal Separate Storm Sewer System (MS4) with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.

8. **Other Information.** When the operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.
9. **Signatory Requirements.** All Notices of Intent (NOIs), reports, or information submitted to the Director or the operator of a regulated small, medium, or large municipal separate storm sewer system shall be signed and certified.

A. All Notices of Intent shall be signed as follows:

- 1) **For a corporation:** by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:
  - a. A president, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 2) **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively;
- 3) **For a municipality, State, Federal or other public agency:** By either a principal executive or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - a. The chief executive officer of the agency; or
  - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

B. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a **duly authorized** representative of that person. A person is a duly authorized representative only if:

- 1) The authorization is made in writing by a person described above and submitted to the Director;
- 2) The authorization specifies either an individual or a person having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- 3) **Changes to authorization.** If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

**10. Certification.** Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments such as Inspection Form were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Note: For this permit only, "this document" refers to the Stormwater Pollution Prevention Plan, "attachments" refers to the site map and inspection forms, and "system" is referencing the project site.

**11. Penalties for Falsification of Reports.** The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part II.B.3 of this permit and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.).

**12. Penalties for Tampering.** The Arkansas Water and Air Pollution Control act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment.

**13. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of CERCLA.

**14. Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.

**15. Severability.** The provisions of this permit are severable. If any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provisions to other circumstances and the remainder of this permit shall not be affected thereby.

**16. Transfers.** This permit is not transferable to any person except after notice to the Director. A transfer form must be submitted to the ADEQ as required by this permit.

**17. Proper Operation and Maintenance.** The operator shall at all times:

- A. Properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.
- B. Provide an adequate operating staff which is duly qualified to carry out operation, inspection, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

**18. Inspection and Entry.** The operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a construction site which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- A. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities or equipment, including monitoring and control equipment and practices or operations regulated or required by the permit;
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location on the permitted property.

**19. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for any cause including, but not limited to, the following;

- A. Violation of any terms or conditions of this permit;
- B. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
- C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
- E. Failure of the operator to comply with the provisions of ADEQ Regulation No. 9 (Fee Regulation). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5(d), as adopted by reference in ADEQ Regulation No. 6, and the provisions of ADEQ Regulation No. 8.

**20. Re-Opener Clause.**

- A. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part I.B.22 of this permit, or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted in accordance with the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5, as adopted by reference in ADEQ Regulation No. 6.

**21. Local Requirements.** All dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding any discharges of stormwater to storm drain systems or other water sources under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with the ADEQ permits. Dischargers must comply with local stormwater management requirements, policies, or guidelines including erosion and sediment control.

**22. Applicable Federal, State Requirements.** Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance policy, or regulation.



## Legislation Details (With Text)

<b>File #:</b>	ORD-13:031	<b>Version:</b>	1	<b>Name:</b>	Rezoning by Nix Development
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	First Reading
<b>File created:</b>	7/11/2013	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 2600 ALEXANDER DRIVE AS REQUESTED BY NIX DEVELOPMENT				
<b>Sponsors:</b>					
<b>Indexes:</b>	Rezoning				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Plat</a> <a href="#">MAPC Report</a>				

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES  
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Residential, R-1  
TO: Commercial, C-3, L.U.O.

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

Lot "B" of the Christian Creek Commons Replat for Nix Development, Inc., Alexander Drive, Jonesboro, AR.

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

1) The L.U.O. shall prohibit the following uses:

- A) Adult Entertainment Facilities
- B) Gas Station
- C) Shops that sell alcohol or tobacco or both

2) Proposed development shall satisfy all requirements of the City Engineer and current Stormwater Drainage Design Manual.

3) Final Site Plans shall be subject to all ordinance requirements including "Sec. 117-328 - Residential Compatability Standards" shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.

FILED  
2013 JUN 18 PM 3:32 SMC  
CLERK OF CIRCUIT COURT

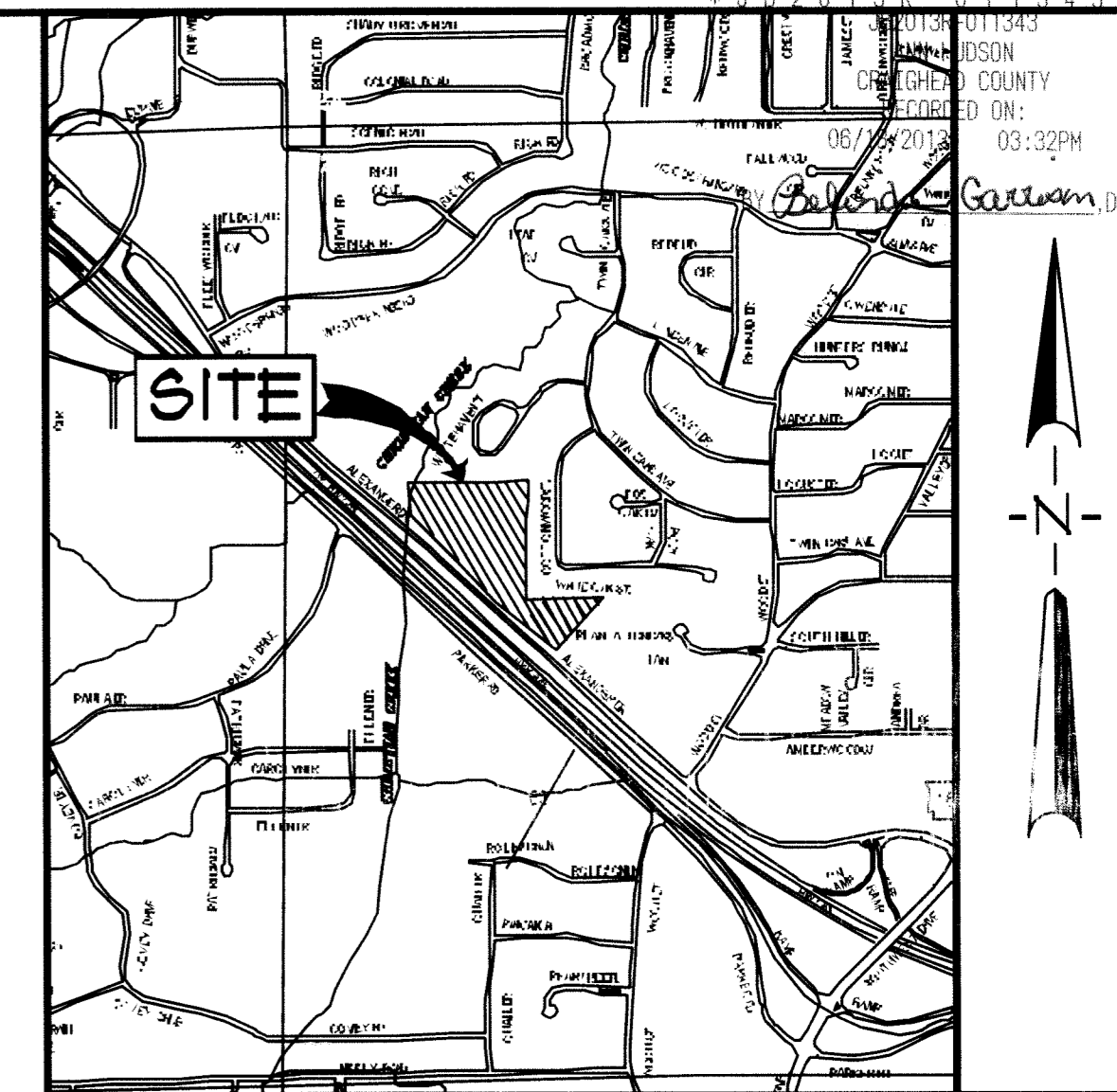
**OWNER'S CERTIFICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF PROPERTY AS DESCRIBED HEREON, THAT WE ADOPT THE PLAN OF SUBDIVISION AND DEDICATE THE PERPETUAL USE OF ALL STREETS AND EASEMENTS AS NOTED.

*Jud Nix*  
JUD NIX, OWNER  
NIX DEVELOPMENT, INC.

**LEGEND**

- BOUNDARY LINE
- - - ADJACENT LOT LINES
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE
- - - EXISTING OVERHEAD ELECTRIC LINE
- FOUND IRON PIPE
- SET IRON PIPE W/ 16ST CAP
- FOUND REBAR W/ 8" CAP
- FOUND REBAR W/ 8" CAP



**VICINITY SKETCH**  
NOT TO SCALE

**DESCRIPTION**

NIX'S ALEXANDER DRIVE MINOR PLAT AS RECORDED IN BOOK 101 AT PAGE 96, PUBLIC RECORDS OF CRAIGHEAD COUNTY, AT JONESBORO, ARKANSAS AND A PART OF THE NORTHEAST QUARTER OF THE SOUTH-EAST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTH-EAST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 89°02'03" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTH-EAST QUARTER OF SECTION 28, AFORESAID, 150 FEET TO THE SOUTHWEST CORNER OF PARKER WOODLAND HILLS SUBDIVISION 6TH ADDITION; THENCE CONTINUE NORTH 89°02'03" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTH-EAST QUARTER OF SECTION 28, AFORESAID AND ALONG THE SOUTH LINE OF PARKER WOODLAND HILLS SUBDIVISION 6TH ADDITION, 437.98 FEET; THENCE SOUTH 42°55'01" WEST DEPARTING FROM SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTH-EAST QUARTER OF SECTION 28, AFORESAID AND THE SOUTH LINE OF PARKER WOODLAND HILLS SUBDIVISION 6TH ADDITION, 384.56 FEET; THENCE SOUTH 88°48'43" EAST ALONG SAID SOUTH LINE, 226.80 FEET; THENCE NORTH 88°03'41" EAST, ALONG SAID SOUTH LINE, 164.54 FEET; THENCE NORTH 87°49'24" EAST, CONTINUING ALONG SAID SOUTH LINE, 176.63 FEET TO THE WEST LINE OF PARKER WOODLAND HILLS SUBDIVISION 6TH ADDITION; THENCE ALONG SAID WEST LINE AS FOLLOWS: SOUTH 01°07'19" WEST 6.34 FEET, SOUTH 00°49'29" WEST 106.00 FEET, SOUTH 00°36'29" WEST 106.00 FEET, SOUTH 00°34'29" WEST 106.00 FEET, SOUTH 02°04'12" WEST 106.00 FEET, SOUTH 01°00'28" WEST 226.80 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 340,951 SQ. FT. OR 8.88 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

City of Jonesboro DATE 6/18/13  
 JONESBORO FILE # RP13-34  
 FINAL APPROVAL  
 PRELIMINARY (NOT FOR RECORDING)  
 PLANNING DEPT. *[Signature]*  
 7/1/13

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT I, KEVIN L. SCRAFE, WAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS OTHER THAN AS SHOWN OR STATED HEREON AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS AND PLATS IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 06/10/13

BOOK 240 PAGE 3  
 DATE 6/18/13 TIME 3:32 P.M.  
 BY Kevin L. Scrafe

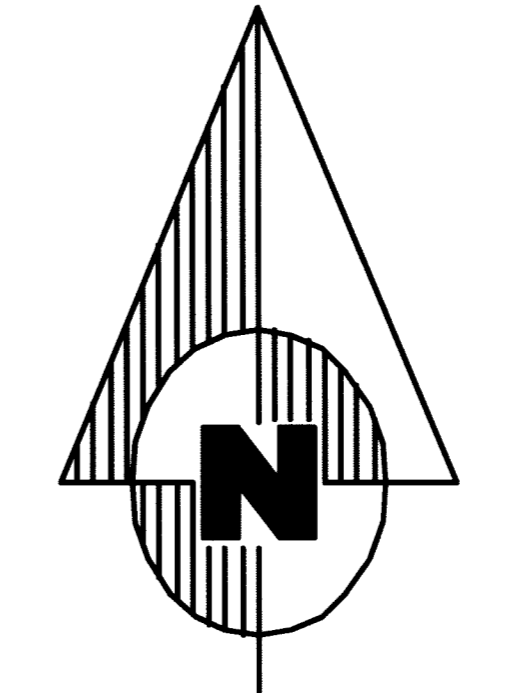


NOTE: TO BE VALID, COPIES MUST HAVE ORIGINAL SURVEYOR'S SIGNATURE AND SURVEYOR'S SEAL.

**KEVIN L. SCRAFE, P.S.**  
 PROFESSIONAL SURVEYOR  
 3301 MARDISSWOOD COVE - JONESBORO, ARKANSAS  
 PH: 870-243-1887

**NIX'S ALEXANDER DRIVE REPLAT**  
 NIX DEVELOPMENT, INC.  
 JONESBORO, ARKANSAS

DRAWN	KLS	CHECKED	KLS	DATE	06/17/13	SHEET	1 OF 1
SCALE:	1" = 60'	CADD FILE:	1301	DWG#	REPLAT-RI		



BEARING 88.615  
 (STATE PLANE COORDINATES - ARKANSAS NORTH ZONE)  
 60° 30' 0" 60° 12'

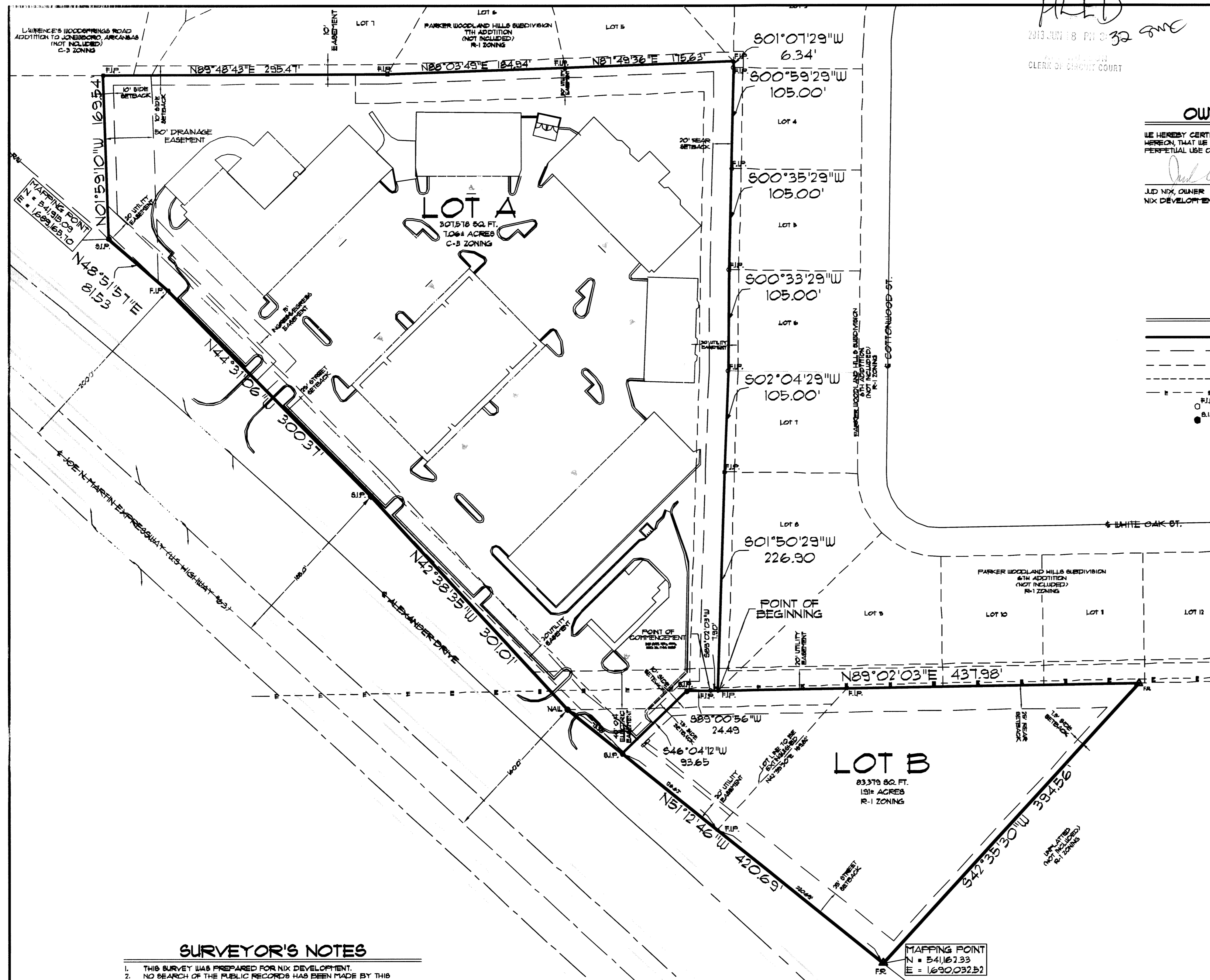


**SURVEYOR'S NOTES**

1. THIS SURVEY WAS PREPARED FOR NIX DEVELOPMENT. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROJECT.
2. THE FOLLOWING DOCUMENTS WERE USED TO CONDUCT THIS SURVEY:
  - A. SURVEY BY ASSOCIATED ENGINEERS & TESTERS, LLC, DATED 02/28/06, FILED FOR RECORD 02/28/06 AND RECORDED IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, IN RECORD BOOK C, PAGE 196.
  - B. RIGHT-OF-WAY MAP FOR U.S. HIGHWAY 63, A.S.L.T.D. JOB #000B-SEC. 2.
  - C. SURVEY BY CIVILOGIC DATED 05/09/10, JOB #10061.
  - D. RECORD PLAT OF PARKER WOODLAND HILLS SUBDIVISION 6TH ADDITION FILED FOR RECORD IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, IN PLAT DEED RECORD 196, PAGE 30.
  - E. RECORD PLAT OF PARKER WOODLAND HILLS SUBDIVISION 6TH ADDITION FILED FOR RECORD IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, IN RECORD BOOK A, PAGE 196.
3. EASEMENTS ARE AS SHOWN.
4. SUBJECT PROPERTY IS CURRENTLY ZONED C-3 & R-1. C-3 ZONING IS DEFINED AS GENERAL COMMERCIAL DISTRICT & R-1 ZONING IS DEFINED AS SINGLE-FAMILY THROUGH DENSITY DISTRICT. THE SURROUNDING PROPERTY IS ZONED C-3 & R-1. THE BUILDING SETBACKS ARE:
 

FRONT = 25'	FRONT = 25'
REAR = 20'	REAR = 25'
G-3 SIDE = 10'	R-1 SIDE = 15'
5. SUBJECT PROPERTY IS LOCATED WITHIN ONE A-1 AREAS DETERMINED TO BE WITHIN THE 100 YR FLOOD EVENT, AS DESIGNATED BY FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR THE CITY OF JONESBORO, COMMUNITY PANEL 02030303C (PANEL 13) OF 2001, EFFECTIVE DATE - SEPTEMBER 21, 1991. REVISION DATE - MAY 25, 2009.
6. EFFECTIVE DATE - SEPTEMBER 21, 1991 REVISION DATE - JUNE 25, 2007.
 

TOTAL AREA = 340,951.78 SQ. FT. OR 8.88 ACRES
LOT A AREA = 301,916.62 SQ. FT. OR 1.071 ACRES
LOT B AREA = 33,767.87 SQ. FT. OR 1.01 ACRES





*City of Jonesboro City Council*  
**Staff Report – RZ 13-12: Nix’s Alexander Dr. Rezoning – 2600 Alexander Dr.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on July 16, 2013*

- REQUEST:** MAPC rezoning approval for a parcel of land currently zoned R-1 Single Family Residential to a proposed C-3 General Commercial District.
- LOCATION:** The property is located at the address 2600 Alexander Drive (Northern access road for Hwy. 63) between Wood Street and Woodsprings Road
- APPLICANT/  
OWNER:** Applicant Kevin Scrape on behalf of owner Nix Development, Inc.
- PURPOSE:** To expand a current commercial development known as Christian Creek Commons.
- HISTORY:** Property has been remained undeveloped for many decades.
- SITE  
DESCRIPTION:** **Tract Size:** 1.91 acres/83,379 sq. ft.  
**Frontage:** Approximately 350 ft. on Alexander Drive  
**Topography:** Approximately 5% slope (20:1).  
**Existing Development:** Undeveloped.

**FUTURE LAND USE PLAN AND ZONING ANALYSIS FOR SUBJECT PROPERTY**

**SURROUNDING CONDITIONS:**

	<u>ZONING</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Single Family Medium Density	Single Family Low Density
North of Property:	R-1 Single Family Medium Density	Single Family Low Density
East of Property:	R-1 Single Family Medium Density	Single Family Low Density
South of Property:	C-3 General Commercial	Retail General
West of Property:	C-3 General Commercial	Retail General



**Adopted Future Land Use Plan**

**Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 rezoning is not consistent with the Land Use Map. The property is recommended as Single Family-Low Density.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible. Currently, a considerable amount of C-3 property is located in the surrounding area that borders single family residential property.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	The proposed 1.91 acre parcel replat is a portion of an R-1 parcel that is approximately 3.5 acres. R-1 property in this location has limited marketability as evident by the length of time that the property has remained undeveloped.



(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;	Some detrimental effects. Mainly, there would be a substantial transition in land use restrictions and intensities between the bordering R-1 properties and the proposed C-3 rezoning.
(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	Length of time the property has remained vacant as zoned is unknown. Property zoned R-1 when purchased by the current owner.
(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	Minimal impact.



**Vicinity Zoning Map**

**Master Street Plan/Transportation**

The subject property is served by Alexander Drive which is classified on the master street plan as a local street which requires a 60 ft. right-of-way (30 ft. to road centerline). Alexander Drive is a service road for Joe N. Martin Expressway (Hwy 63) which dictates the dedicated right-of-way. Due to the right-of-way dedicated for the expressway; the current Alexander Drive right-of-way exceeds the requirement for a local street.

**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	Received	No objections noted.
<b>Streets/Sanitation</b>	Received	No objections noted.
<b>Police</b>	Pending	
<b>Fire Department</b>	Received	Noted no objection
<b>MPO</b>	Received	Noted no objection
<b>Jets</b>	Received	Noted no objection
<b>Utility Companies</b>	Received	Noted no objection

**MAPC RECORD OF PROCEEDINGS: Meeting Held July 9, 2013**

**Applicant:** Mr. Travis Fischer, TraLan Engineering presented the case on behalf of Nix Development stating that his client hopes to rezone the property from R-1 to C-3 General Commercial. All access will be off Alexander Drive with none from the R-1 District. Mr. Dover asked if we could restrict gas stations from the development. Mr. Fischer concurred.

**Staff:** Mr. Spriggs gave staff summary noting that the issue of use cannot be discussed unless the Applicant would like to modify the request as a limited use overlay. Mr. Fischer stated that he would like to amend the application as a C-3 L.U.O., Limited Use Overlay agreeing to the conditions:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements including “Sec. 117-328. - Residential Compatibility Standards” shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. The following list of uses shall be excluded: sexually explicit businesses, shops that specialize in tobacco and/or liquor sales.

Mr. Spriggs also noted that the proposed C-3LUO rezoning is not consistent with the Land Use Map. The property is recommended as Single Family-Low Density on the adopted Land Use Plan. The property fronts on the access road which is not conducive or suitable for residential uses. Proper and adequate buffering must be preserved where the tract abuts residential uses. No objections were submitted by the various departments or agencies.

**Public Input:** None Present.

**Commission Action:** Mr. Scurlock made a motion to place Case: RZ-13-12 on the floor for the consideration of recommendation by MAPC to the City Council that changing the zoning of this property from “R-1 Single Family Residential to C-3 – General Commercial District, L.U.O. ”, with the Staff Conditions. Motion was 2<sup>nd</sup> by Mr. Dover.

**Roll Call Vote:** Mr. Scurlock- Aye; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Dover- Aye; Mr. Tomlinson- Aye; Mrs. Schrantz- Aye. **Motion passed 6-0;** Mr. Roberts as Chair.

**Conclusion:**

The MAPC and the Planning Department Staff find that the request to rezone property from “R-1 Single Family Residential to C-3 – General Commercial District, L.U.O. ” submitted for Case RZ 13-12 should be evaluated based on the above observations and criteria. The following conditions apply:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.

2. A final site plan subject to all ordinance requirements including “Sec. 117-328. - Residential Compatibility Standards” shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. The following list of uses shall be excluded: sexually explicit businesses, shops that specialize in tobacco and/or liquor sales.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



Southwest corner of site viewing southeast along Alexander Drive.



Northern property boundary of site viewing east.



Southeast corner of site viewing northwest along Alexander Drive.



## Legislation Details (With Text)

<b>File #:</b>	ORD-13:032	<b>Version:</b>	1	<b>Name:</b>	Rezoning by Robert Abraham
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	First Reading
<b>File created:</b>	7/11/2013	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-3 TO PD-R FOR PROPERTY LOCATED ON NORTH CULBERHOUSE AS REQUESTED BY ROBERT ABRAHAM				
<b>Sponsors:</b>					
<b>Indexes:</b>	Rezoning				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Plat</a> <a href="#">MAPC Report</a> <a href="#">Layout</a>				

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES  
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Residential, R-3  
TO: Planned Development - Residential, PD-R

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

Lots 4-12, Block A, Lots 1-7, Block B, Lots 1-15, Block C, Lots 1-15, Block D, and Lots 1-7, Block E, along with the right of ways of Beth Street, Carla Street, part of 5th Street and part of Bradley Street all in Northgate Addition, Jonesboro, Arkansas.

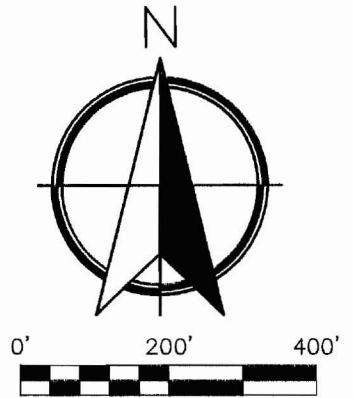
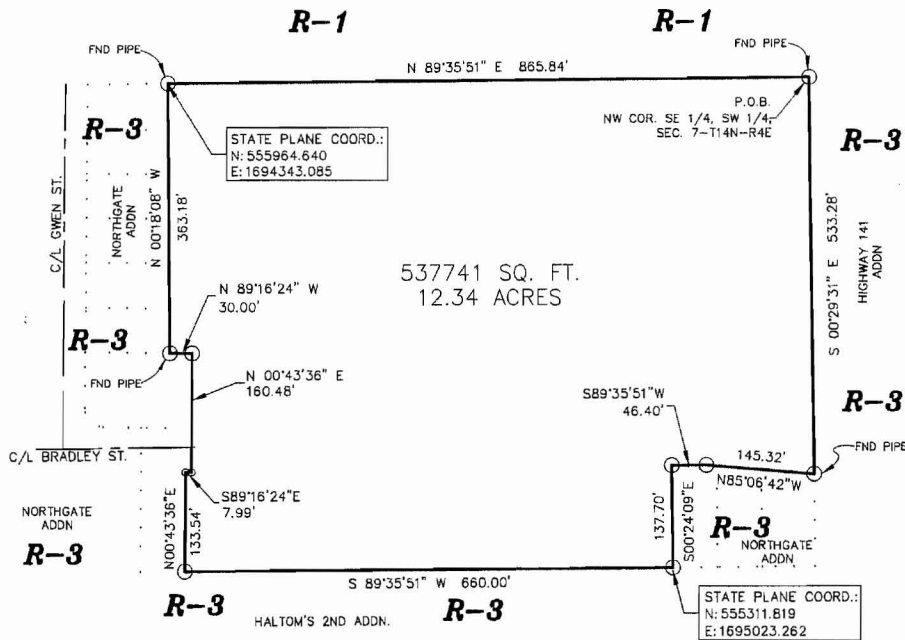
SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

- 1) Proposed development shall satisfy all requirements of the City Engineer and current Stormwater Drainage Design Manual.
- 2) Final Site Plans shall be submitted. Reviewed and approved by the MAPC prior to any development of the property.
- 3) The proposed rezoning is contingent upon verification that the plat description submitted with the

application corresponds to a deed that verifies the legal description and ownership of the property.

4) Final landscaping details shall be required as part of the Final Development Plan process if the petition is granted.

5) Formal applications for the abandonment of the affected city rights-of-way shall be necessary and required in the future.



**LEGAL DESCRIPTION:**

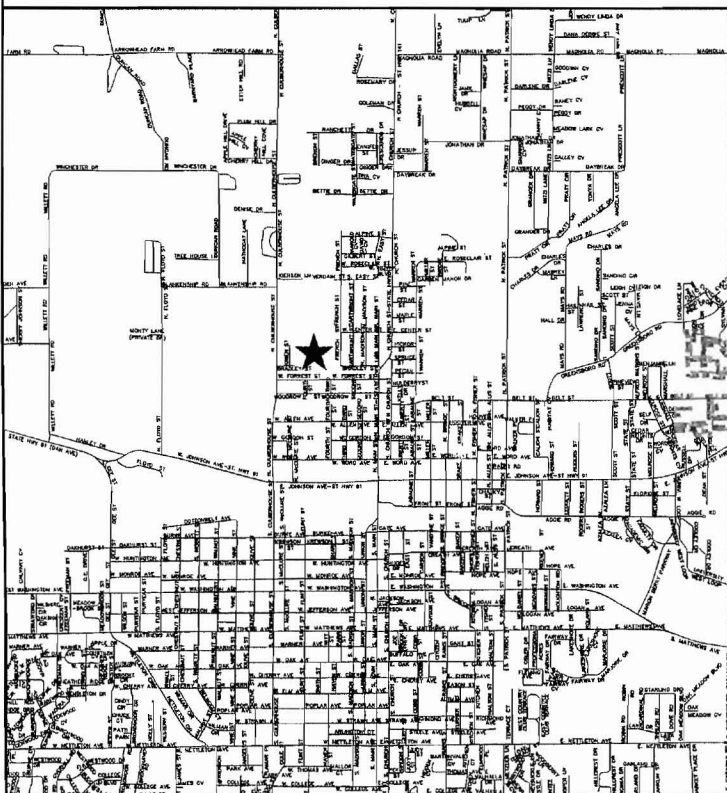
Lots 4-12, Block A, Lots 1-7, Block B, Lots 1-15, Block C, Lots 1-15, Block D, and Lots 1-7, Block E, along with the right of ways of Beth Street, Carla Street, part of 5th Street and part of Bradley Street all in Northgate Addition, Jonesboro, Arkansas.

**CERTIFICATE OF SURVEY:**

To all parties interested in Title to these premises: I hereby certify that I have prior to this day made a survey of the above described property as shown on the Plat of Survey hereon. The property lines and corner monuments, to the best of my knowledge and ability, are correctly established: the improvements are as shown on the Plat of Survey. Encroachments, if any, as disclosed by Survey, are shown hereon.

**NOTES:**

- 1) BEARINGS BASED ON GPS OBSERVATION.
- 2) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1' IN 500,000'
- 3) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES LEGAL DESCRIPTION PROVIDED.
- 4) ALL PINS SET ARE 1/2" REBAR, UNLESS NOTED OTHERWISE.
- 5) FLOOD PLAIN: THIS TRACT DOES LIE WITHIN THE 100-YR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP OF CRAIGHEAD CO., ARK. AND INCORPORATED AREAS, COMMUNITY PANEL NO. 05031C0043 C, DATED 09/27/91.



**EXISTING R-3 ZONING  
REQUESTED PD-R ZONING**

ENGINEERS		PLANNERS		SURVEYORS	
<b>Civilogic</b>					
203 Southwest Dr. - Jonesboro, AR - (870)932-7880 - www.civilogic.net					
REZONING PLAT PT. NORTHGATE ADDN FOR ROBERT ABRAHAM, M.D. JONESBORO, ARKANSAS					
Date	Scale	Job No.	Sheet No.		
06-12-13	1"=200'	113050	1 of 1		
Section	Township	Range	County	1 of 1	
7	14N	04E	CRAIGHEAD	1 of 1	
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE ORIGINAL CIVILOGIC COPIES					
© 2013, Civilogic		Drawn By: RE	Checked by: GH		





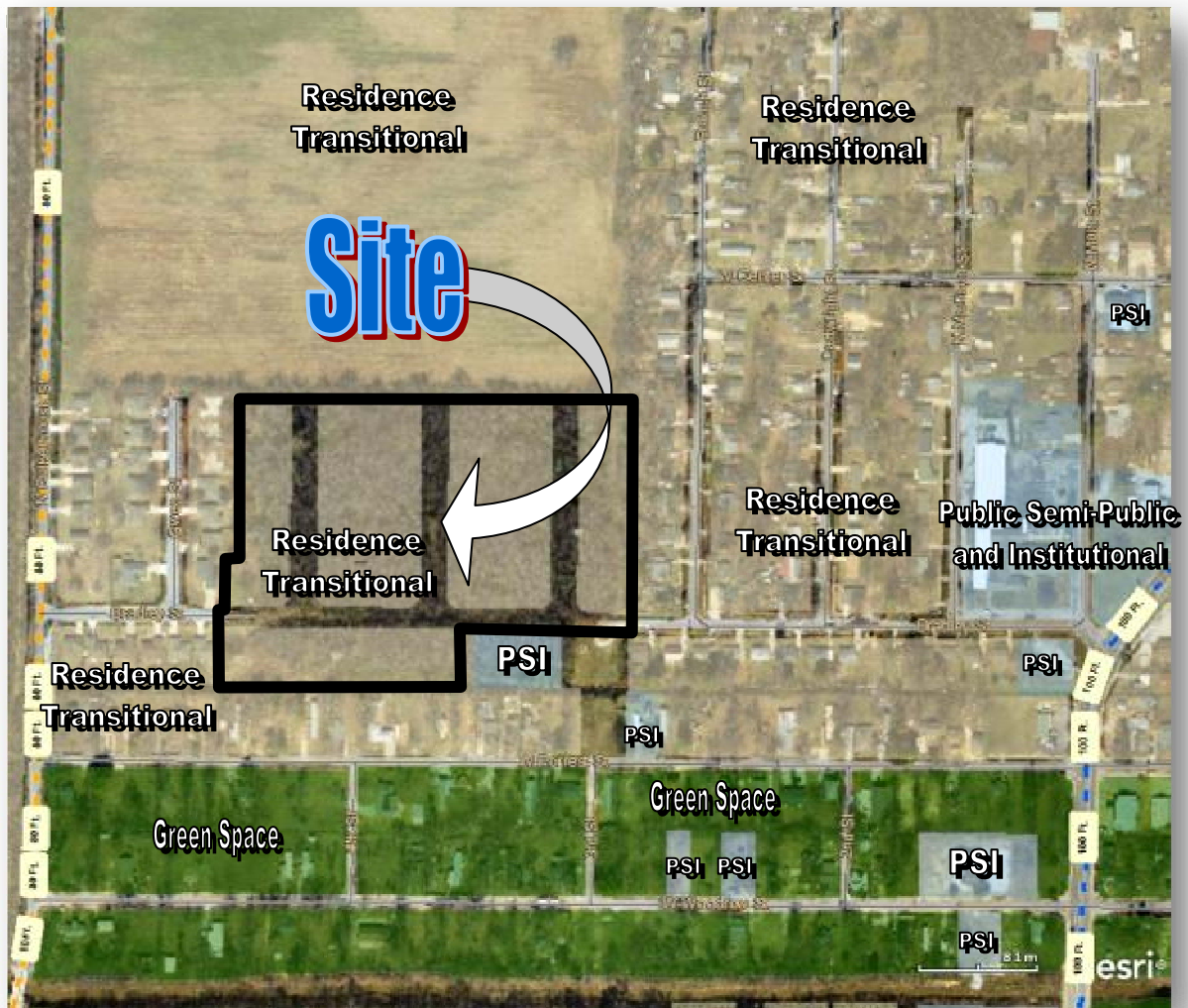
*City of Jonesboro City Council*  
**Staff Report – RZ 13-10: Robert Abraham Rezoning – Bradley Street**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on July 16, 2013*

- REQUEST:** MAPC recommended rezoning approval for a parcel of land currently zoned R-3 Multi-Family High Density District to a proposed PD-R Residential Planned Development District.
- LOCATION:** The property is located at the terminuses of Bradley Street between Gwen Street and French Street
- APPLICANT/  
OWNER:** Robert Abraham, 2608 Duckswater, Jonesboro, AR  
Jimmy W. Cox, 298 CR 352 Bono, AR
- PURPOSE:** Owner believes there is a market for the proposed housing development. 44 duplexes (88 dwelling units) which are proposed.
- HISTORY:** The property is an undeveloped portion of the Northgate Addition containing 52 lots which was platted in 1972 and was annexed into the city in 1986.
- SITE  
DESCRIPTION:** **Tract Size:** 12.19 acres/531,109.4 sq. ft.  
**Frontage:** N/A.  
**Topography:** Flat.

**FUTURE LAND USE PLAN AND ZONING ANALYSIS FOR SUBJECT PROPERTY**

**Surrounding Conditions:**

	<u>ZONING/CURRENT USE</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Multi-Family High Density	Residence Transitional
North of Property:	R-1 Single Family Medium Density Agricultural	Residence Transitional
East of Property:	R-3 Multi-Family High Density Residential subdivision	Residence Transitional
South of Property:	R-3 Multi-Family High Density Residential subdivision	Residence Transitional
Southwest of Property	R-3 Multi-Family High Density Three undeveloped lots owned by CWL	Public Semi-Public and Institutional
West of Property:	R-3 Multi-Family High Density Residential subdivision	Residence Transitional



### Adopted Future Land Use Plan

**Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed PD-R Residential Planned Development rezoning is consistent with the Land Use Map. The property is recommended as Residence Transitional. Attached two family dwellings are recommended as a land use.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is mainly consistent with the purpose. A deed for the property was not submitted with the application.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is compatible with the surrounding area. The subject property is zoned R-3 as well as the majority of the surrounding area. R-3 zoning allows a maximum density of (18) dwelling units per acre. A much lower density of (7.2) dwelling units per acre is proposed.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	The property as subdivided into (52) individual lots is not suitable for the proposed use with the provisions for open space.

(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;	Minimal detrimental effects. As currently subdivided, (19) of the (52) lots meet the lot size zoning requirements for duplexes. A combination of single family and duplexes would yield (71) dwelling units. (88) dwelling units are proposed.
(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	The property was platted and zoned in 1972, annexed into the city in 1986 and has remained undeveloped.
(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	Feasibility of the current conceptual site plan is contingent upon abandonment of all the currently platted easements and street right-of-way.



**Vicinity Zoning Map**

**Master Street Plan/Transportation**

The subject property is served by ingress/egress points from Bradley Drive which abut the eastern and western boundaries of the property. Bradley Drive is classified as a local street and has a 60 ft. dedicated right-of-way approaching the west side of property and 50 ft. right-of-way approaching the east side of property.

**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Streets/Sanitation</b>		No objection
<b>Police</b>	Pending	No comments to date
<b>Fire Department</b>		No objection
<b>MPO &amp; Engineering</b>		This property as originally platted is laid out in a grid system that helps provide connections to North Church and Culberhouse. People who already live in this area have stated their preference for greater connectivity, not less. The proposed development is gated, which will kill connectivity to the east and west, for a half mile stretch. Additionally, a north/south connection should be made, along the lines currently platted. Having a gated community in this area has the potential to create a crime problem for both those inside and outside the development, and violates the Crime Prevention Through Environmental Design principles that Jonesboro Police is trying to implement across the city.
<b>Jets</b>	Pending	No objection
<b>Utility Companies</b>	Pending	No objection

**Zoning Code Analysis:**

The property is currently zoned R-3 High Density Multifamily and was formerly platted as Northgate Addition Subdivision where a portion of the single family homes were constructed to the west. The site lends itself to flood plain challenges which can be overcome with proper engineering of the storm water design.

The property has remained vacant over the years.

Under the existing R-3 District, the gross density could result in 219 apartments being constructed on the property if all the proper platting and right of way abandonment procedures are followed. As noted, the applicant hopes to develop only 88 units in 44 duplex homes.

As noted above, Consistency is achieved with the adopted Land Use Plan which recommends residence transitional uses for the subject area. A preliminary layout has been presented as part of the rezoning which depicts a private drive network giving access to the east as well as the west on Bradley Dr. There are proposed common areas such as garden greenspace and a common house for the residence of the planned community.

Final landscaping details shall be required as part of the Final Development Plan process if the petition is granted. Former applications for abandonment of the affected city right of ways shall be necessary and required in the future. Coordination with the affected adjacent owners such as City Water Light shall be coordinated with the applicant to assure compliance with abandonment procedures.

## **MAPC RECORD OF PROCEEDINGS: Meeting Held July 9, 2013**

**Applicant:** Mr. George Hamman, Civilogic presented before Commission on behalf of the applicant: Dr. Robert Abraham requesting a rezoning from R-3 High Density Multi-family to PD-R - Planned District for 12.19 acres. Mr. Hamman stated that the applicant would like to place 44 duplexes on 12.19 acres. This is an existing platted subdivision and they would have to abandon the street right of ways. City Water Light owns the 3 lots to the southeast corner, and they have it under investigation under the work of professional title, who will have an answer so that we can make sure that legal description is correct.

### **Staff:**

Mr. Spriggs summarized the staff findings of the report. The proposed PD-R Residential Planned Development rezoning is consistent with the Land Use Map. The property is recommended as Residence Transitional. Attached two family dwellings are recommended as a land use. The issues of right of way abandonment must be submitted for processing under the Code requirements.

Under the existing R-3 District, the gross density could result in 219 apartments being constructed on the property if all the proper platting and right of way abandonments procedures are followed. As noted, the applicant hopes to develop only 88 units in 44 duplex homes.

### **Public Input:**

Kevin Anderson (Resident in Northgate Subdivision), stated that he is one of the younger owners, and has a family with 2 small children. He expressed concerns if this project were not to become possible. What if they don't fill the units with the elderly? This could bring hazards to their subdivision.

Resident in Northgate Subdivision asked if they are going to open Bradely St. from Culberhouse to Church Street.

Mr. Hamman stated that the owner would like to provide a gated community to cater to elderly population, instead of having open rental availability. It would have private streets with private maintenance, with gates on both ends. The resident asked what is the time frame? Mr. Hamman stated that they hope to begin in the Spring.

The residence asked if they could oppose the land development and restrict it to only single family. They noted that they have no crime on their street and don't want there are to depreciate.

Redeen Thomas, (Resident in Northgate Subdivision, 801 Bradley Street. Her main concern is if you put the elderly in there, we have children. The elderly may not be conducive to children running around. You have a lot of units already in the area. It can turn into Section 8 housing. We have had flood issues as well. Culberhouse has lots of accidents.

Mr. Hamman stated that not all the property is the flood plain. It would have to be elevated. We will not make the drainage any worse than it currently is. We will detain the storm water runoff caused by this project.

### **Commission Action:**

Mr. Scurlock asked about the gating mechanism. Mr. Hamman explained that it will have a Knox Box and some form of remote device.

Mr. Joe Tomlinson expressed his concerns about the right of ways. He has a problem doing away with the east/west connection. We have too many cul-de-sacs and a lack of straight east and west streets.

Mr. Kelton explained to the persons that spoke that the density and crime could be worse under the current R-3; these people can build 219 apartments today. They will have less people, less units (88) and it will be gated. It will not be as bad as it could be. They are trying to develop the property with an effort to make it more in harmonious with the property values of the area.

**Conclusion:**

The MAPC and the Planning Department Staff find that the request to rezone property from R-3 Multi-Family High Density District to PD-R Residential Planned Development District submitted for Case RZ 13-10 should be evaluated based on the above observations and criteria. The following conditions apply:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. Final Site Plans shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. The proposed rezoning is contingent upon verification that the plat description submitted with the application corresponds to a deed that verifies the legal description and ownership of the property.
4. Final landscaping details shall be required as part of the Final Development Plan process if the petition is granted.
5. Former applications for abandonment of the affected city right of ways shall be necessary and required in the future.

Mr. Kelton made a motion to place Case: RZ-13-10 on the floor for the consideration of recommendation by MAPC to the City Council that changing the zoning of this property from R-3 Multi-Family High Density District to PD-R Residential Planned Development District is compatible and suitable with the zoning, uses, and character of the surrounding area with the noted conditions. Motion was 2<sup>nd</sup> by Mr. Scurlock.

**Roll Call Vote:** Mr. Scurlock- Aye; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Dover- Aye; Mr. Tomlinson- Nay; Mrs. Schrantz- Aye. **Motion passed 5-1;** Mr. Roberts - Chair.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



Bradley Street viewing west toward southeast corner of site.



CWL property located adjacent to the southeast corner of site.



Bradley Street viewing east from southeast corner of site.



French Street located east of site viewing north.





Typical housing along West Forrest Street located south of site.



Bradley Street viewing east toward southwest corner of site.



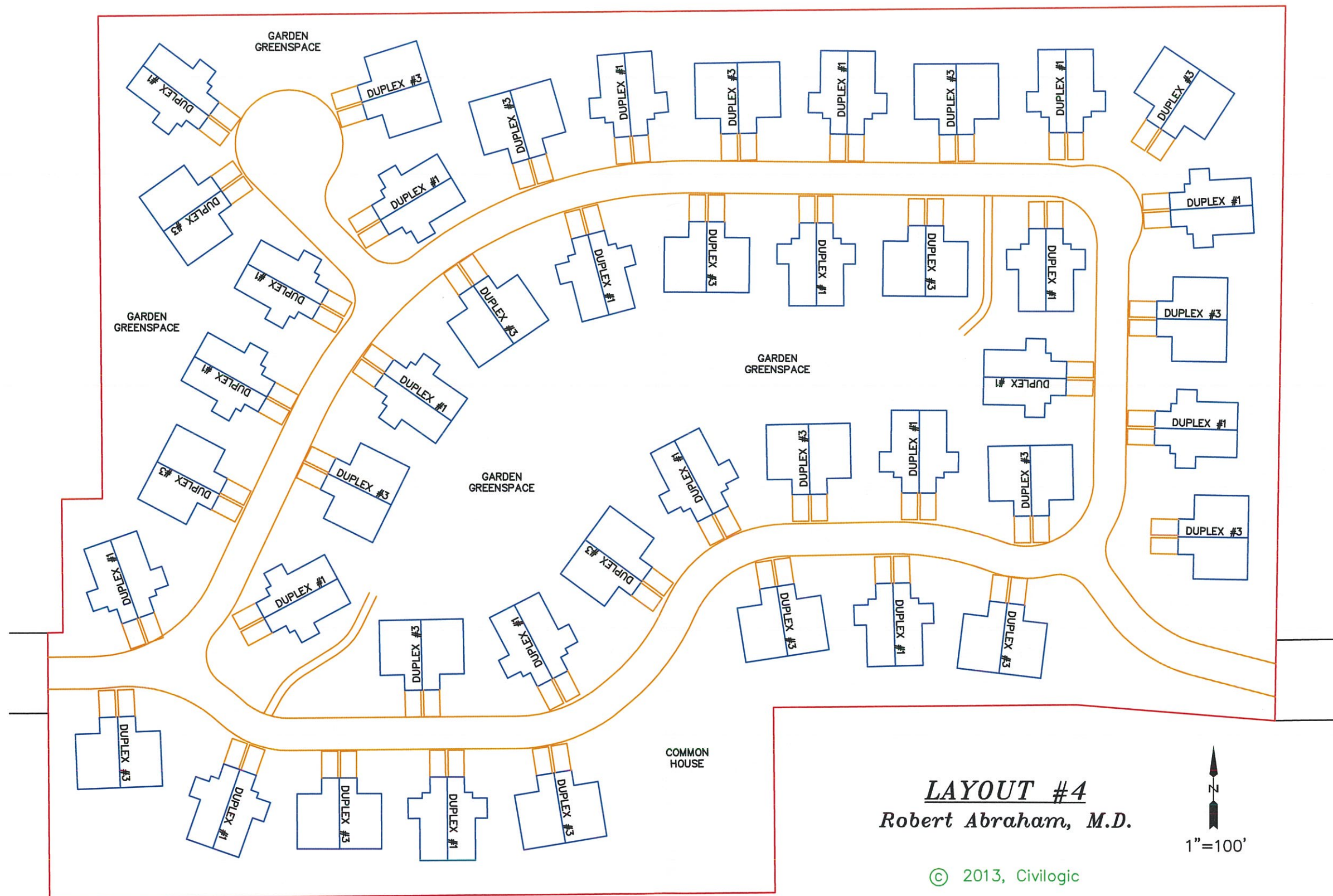
Bradley Street viewing west from southwest corner of site.



Gwen Street located west of site viewing south.



Undeveloped R-1 property located north of site. View of northern boundary of site.



**LAYOUT #4**  
Robert Abraham, M.D.



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Legislation Details (With Text)

**File #:** ORD-13:033    **Version:** 1    **Name:** Rezoning by Joan Crocker  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 7/11/2013    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 1410 E. HIGHLAND DRIVE AS REQUESTED BY JOAN CROCKER  
**Sponsors:**  
**Indexes:** Rezoning  
**Code sections:**  
**Attachments:** [Plat](#)  
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117 KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATIONS AS FOLLOWS:

From Residential, R-1 to C-4 L.U.O., the following described property:

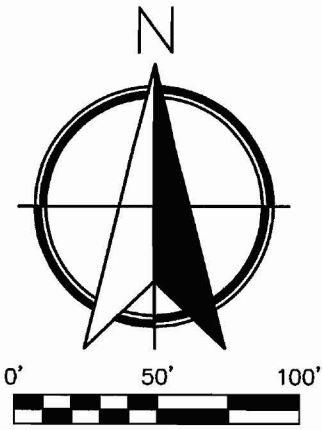
Property located at 1410 East Highland Drive at Hillcrest Drive intersection. 1.84 acres/80,005 sq. ft. Approximately 239 ft. along Highland Dr. and 324 ft. along Hillcrest Dr. Approximately 1.79 acres.

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements including "Sec. 117-328. Residential Compatibility Standard's" shall be submitted, reviewed and approved by the MAPC prior to any development of the property.
3. A replat shall be required and must comply with the master street plan.
4. Uses shall be limited to automated teller machine, bank or financial institution, medical service or office, office/general, retail and retail/service.

R-1

JONESBORO PUBLIC SCHOOL



STATE PLANE COORD.:  
N: 544544.701  
E: 1700653.197

R-1

37474.3 SQ. FT.  
0.86 ACRES

C-4

LOT 1 LANGFORD 2nd ADDITION

N 00°35'56" E 324.78'

156.81' 25' SETBACK

REBAR

7.5' SETBACK

N 89°48'00" E 239.00'

REBAR

7.5' SETBACK

324.78'

156.81' 25' SETBACK

REBAR

7.5' SETBACK

S 89°48'00" W 239.00'

REBAR

7.5' SETBACK

324.78'

156.81' 25' SETBACK

REBAR

7.5' SETBACK

S 00°35'56" W 324.78'

REBAR

7.5' SETBACK

HILLCREST STREET

30'

60'

S 89°48'00" W 239.00'

REBAR

7.5' SETBACK

30'

60'

S 00°35'56" W 324.78'

REBAR

7.5' SETBACK

HIGHLAND DRIVE

30'

60'

S 89°48'00" W 239.00'

REBAR

7.5' SETBACK

30'

60'

S 00°35'56" W 324.78'

REBAR

7.5' SETBACK

R-1

Lot 1  
14276 SQ. FT.  
0.33 ACRES

Lot 2  
25865 SQ. FT.  
0.59 ACRES

STATE PLANE COORD.:  
N: 544219.937  
E: 1700649.802

REBAR

7.5' SETBACK

DEED LINE

REBAR

7.5' SETBACK

NEW RAW LINE

85.00'

25' SETBACK

167.97'

7.5' SETBACK

N 00°35'56" E

167.97'

7.5' SETBACK

BRICK BUILDING

FUEL STORAGE TANKS

FUEL ISLAND CANOPY

ASPHALT

25' SETBACK

154.00'

7.5' SETBACK

167.97'

7.5' SETBACK

30'

60'

S 89°48'00" W 239.00'

REBAR

7.5' SETBACK

SIDEWALK

REBAR

7.5' SETBACK

30'

60'

S 00°35'56" W 324.78'

REBAR

7.5' SETBACK

30'

60'

S 89°48'00" W 239.00'

REBAR

7.5' SETBACK

30'

60'

S 00°35'56" W 324.78'

REBAR

7.5' SETBACK

C-4 LUO

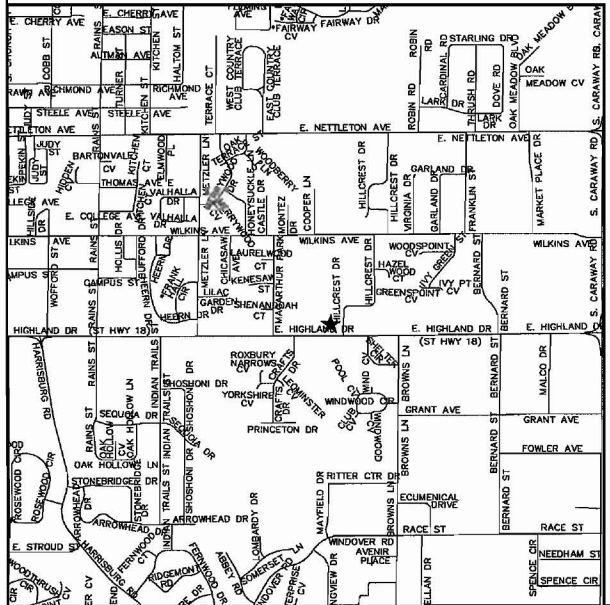
LEGAL DESCRIPTION:

Lots One and Two of Lansford Addition to the City of Jonesboro, Craighead County, Arkansas, and a part of Section 20, Township 14 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: begin at the Northeast Corner of aforesaid mentioned Lot 2 of Lansford Addition; thence run S89°48'00"W a distance of 239.00 ft. to a point; thence run N00°35'56"E a distance of 156.81 ft. to a point; thence run N89°48'00"E a distance of 239.00 ft. to a point; thence run S00°35'56"W a distance of 156.81 ft. to the point of beginning, containing 0.86 acres, and being subject to any easements of record.

CERTIFICATE OF SURVEY:

To all parties interested in Title to these premises: I hereby certify that I have prior to this day made a survey of the above described property as shown on the Plat of Survey hereon. The property lines and corner monuments, to the best of my knowledge and ability, are correctly established: the improvements are as shown on the Plat of Survey. Encroachments, if any, as disclosed by Survey, are shown hereon.

EXISTING R-1 ZONING  
REQUESTED C-4-L.U.O. ZONING



ENGINEERS PLANNERS SURVEYORS

**Civilogic**

203 Southwest Dr. - Jonesboro, AR - (670)932-7880 - www.civilogic.net

**REZONING PLAT FOR JOAN CROCKER JONESBORO, ARKANSAS**

Date: 6/11/13 Scale: 1"=50' Job No.: 112159 Sheet No.: 1 of 1

Section: 20 Township: 14N Range: 4E County: CRAIGHEAD

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© 2013, Civilogic Drawn By: DB Checked by: GH

REGISTERED PROFESSIONAL SURVEYOR  
DANNY R. BURKHARDT  
STATE OF ARKANSAS  
NO. 1500  
EXPIRES 12-31-15

CERTIFICATE OF AUTHORITY  
CIVILOGIC  
No. 329  
ARKANSAS-ENGINEER



*City of Jonesboro City Council*  
**Staff Report – RZ 13-09: Joan Crocker Rezoning – 1410 East Highland Dr.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on July 16, 2013*

- REQUEST:** MAPC recommended rezoning approval for a parcel of land currently zoned R-1 Single Family Residential to a proposed C-4 Limited Use Overlay District.
- LOCATION:** The property is located at the 1410 East Highland Drive at the Hillcrest Drive intersection.
- APPLICANT/  
OWNER:** Joan Crocker, 1406 E. Highland Drive, Jonesboro, AR 72401
- PURPOSE:** To allow neighborhood commercial development of the property with uses limited to automated teller machine, bank or financial institution, medical service or office, office/general, and retail/service.
- HISTORY:** A 0.63 acre portion of the property located at the corner of Highland and Hillcrest Drives was formerly used as a Non-Conforming Use Gas Station/Convenience Store. The remaining acreage has never been developed.
- SITE  
DESCRIPTION:** **Tract Size:** 1.84 acres/80,005 sq. ft.  
**Frontage:** Approximately 239 ft. along Highland Dr. and 334 ft. along Hillcrest Dr.  
**Topography:** Approximately 4.5 % slope (22:1).

**FUTURE LAND USE PLAN AND ZONING ANALYSIS FOR SUBJECT PROPERTY**

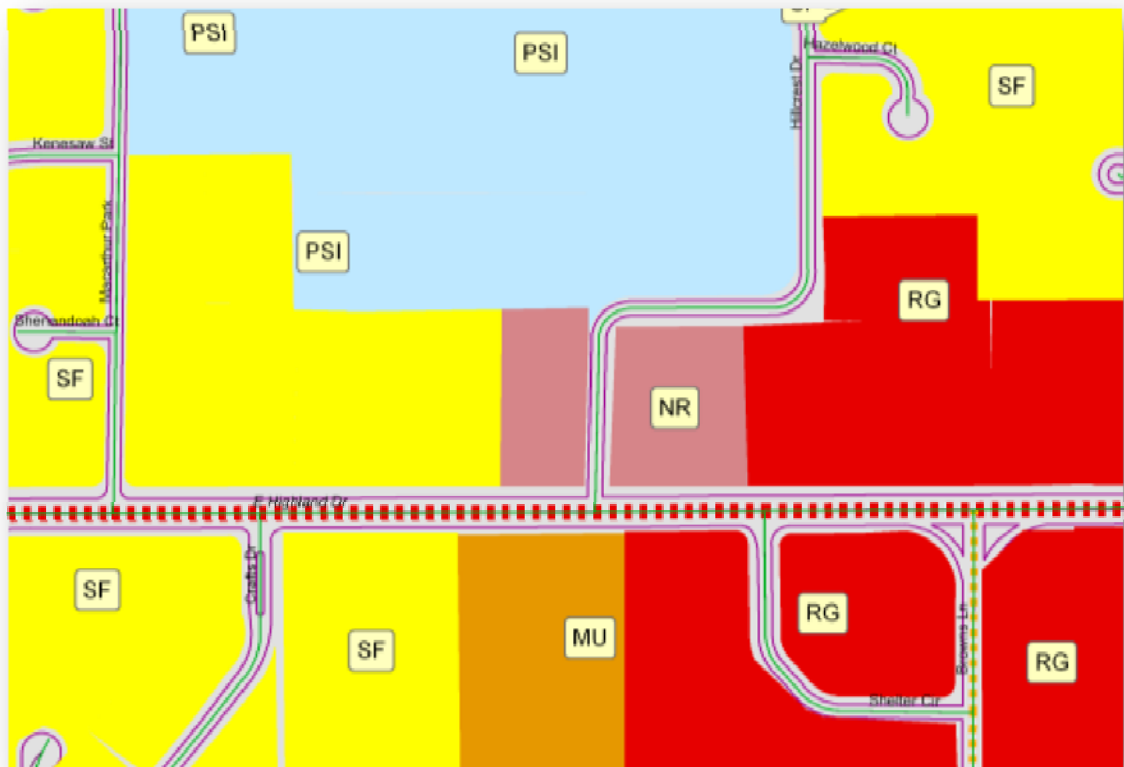
The eastern portion of subject property (approx. 1.18 acres) is recommended as Neighborhood Commercial and western portion (approx. 0.66 acres) is recommended as Single Family Low Density on the most current Adopted Land Use Map. Therefore the proposal is partially consistent and partially inconsistent.

**Surrounding Conditions:**

	<u>ZONING/CURRENT USE</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Single Family Medium Density Former Gas Station/Non-conforming	Retail - Neighborhood & Single Family Low Density #
North of Property:	R-1 Single Family Medium Density Hillcrest Visual and Performing Arts School	Public Semi-Public and Institutional
East of Property:	C-4 Neighborhood Commercial District Planters and Stockman Bank	Retail – Neighborhood
South of Property:	C-4 Limited Use Overlay Undeveloped/Pasture	Mixed Use Transitional
West of Property:	C-3 General Commercial	Retail General



**Zoning & Vicinity Map**



**Adopted  
Land Use Plan**



**Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

<b>Criteria</b>	<b>Explanations and Findings</b>
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-4 Limited Use Overlay rezoning is substantially consistent with the Land Use Map. C-4 is Neighborhood Commercial. The property is recommended as Retail – Neighborhood on the Land Use Map.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	The location has minimal suitability for uses allowed in R-1 Single Family Medium Density zoning.
(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;	Minimal detrimental effects. An R-1 property borders the subject property on the western side; however, this property is the residence for the applicant.
(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	A portion of the property was developed as a convenience store and fuel station. The remaining portion of the property has never been developed. Property zoned R-1 when purchased by the current owner.
(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	Minimal impact.

**Master Street Plan/Transportation**

The subject property is served by East Highland Drive which is classified on the master street plan as a principal arterial street which requires a 120 ft. right-of-way (60 ft. to road centerline) and Hillcrest Drive which is classified as a local street which requires a 60 ft. right-of-way (30 ft. to road centerline). The rezoning plat for the subject property has dedicated a 50 ft. R/W to the Highland Drive centerline and a 30 ft. R/W to the Hillcrest Drive centerline.

**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	No objection	
<b>Streets/Sanitation</b>	No objection	
<b>Police</b>	Pending	
<b>Fire Department</b>	No objection	
<b>MPO</b>	No objection	
<b>Jets</b>	No objection	
<b>Utility Companies</b>	No objection	

As noted in the application, the owner proposes a neighborhood commercial development of the property with uses limited to automated teller machine, bank or financial institution, medical service or office, office/general and retail/service.

No specific layout has been proposed for the subject property. Staff asks that consideration for access management and child safety be considered in the future redevelopment of this property, given the surrounding neighborhood characteristics.

**Sec. 117-325. Driveways and access; multifamily and non-residential.**

(2) *Driveway spacing.*

a. *Arterial streets.* Direct access to any arterial street shall be limited to the following restrictions:

1. *Spacing from signalized intersections.* All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign- controlled intersection is at least 120 feet from the perpendicular curb face of the intersecting street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the city engineer may approve a reduction in spacing as long as the reduction does not result in an unsafe traffic condition.

**MAPC RECORD OF PROCEEDINGS: Meeting Held July 9, 2013**

**Applicant:** Mr. George Hamman, Civilogic Engineering, presented the case on behalf of Ms. Joan Crocker stating that his client hopes to rezone the property from R-1 to C-4 L.U.O. He stated that the owner is rezoning a small portion of the residential lot to the west. The owner will still reside in the single family home to the immediate west.

**Staff:** Mr. Spriggs gave staff summary noting that the proposed C-4 Limited Use Overlay rezoning is substantially consistent with the Land Use Map. C-4 is Neighborhood Commercial. The property was formerly a grand-fathered/ non-conforming use as a gas station and convenience store.

**Land Use Plan:** The eastern portion of subject property (approx. 1.18 acres) is recommended as Neighborhood Commercial and western portion (approx. 0.66 acres) is recommended as Single Family Low Density on the most current Adopted Land Use Map. Therefore the proposal is partially consistent and partially inconsistent. Compliance is achieved with the Master Street Plan. No objections were voiced by the various departments or agencies.

**Public Input:** None Present

**Commission Action:** Mr. Reece made a motion to place Case: RZ-13-09 on the floor for the consideration of recommendation by MAPC to the City Council that changing the zoning of this property from R-1 Single Family Residential to C-4 Limited Use Overlay District is compatible and suitable with the zoning, uses, and character of the surrounding area, with the Staff Conditions. Motion was 2<sup>nd</sup> by Mr. Scurlock.

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements including “Sec. 117-328. Residential Compatibility Standards” shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. A replat shall be required and must comply with the master street plan.

4. Uses shall be limited to automated teller machine, bank or financial institution, medical service or office, office/general, retail and retail/service.

**Roll Call Vote:** Mr. Scurlock- Aye; Mr. Kelton- Aye; Mr. Reece- Aye; Mr. Dover- Aye; Mr. Tomlinson- Aye; Mrs. Schrantz- Aye. **Motion passed 6-0;** Mr. Roberts as Chair.

**Conclusion:**

The MAPC and the Planning Department Staff find that the request to rezone property from R-1 Single Family Residential to C-4 Limited Use Overlay District submitted for Case RZ 13-09 should be evaluated based on the above observations and criteria with the noted conditions.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



View Looking Northeast at Intersection of Highland & Hillcrest



View Looking North at Intersection of Highland & Hillcrest



View Looking South from Site



View looking at Site, looking Northwest



View looking Northeast towards site



View of Single Family Home west of site area



View looking East towards site



View on Highland looking East toward Site



## Legislation Details (With Text)

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**File #:** RES-13:075    **Version:** 1    **Name:** Condemnation at 1511 French  
**Type:** Resolution    **Status:** Recommended Under New Business  
**File created:** 5/8/2013    **In control:** Public Safety Council Committee  
**On agenda:** 7/16/2013    **Final action:**  
**Title:** RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 1511 French St. Owner Jason Meredith  
**Sponsors:** Code Enforcement  
**Indexes:** Condemnation  
**Code sections:**  
**Attachments:** [CONDEMNATION CHECKLIS3](#)  
[Inspection Report058Inspection Report](#)  
[1511 French](#)

Date	Ver.	Action By	Action	Result
5/28/2013	1	Public Safety Council Committee	Recommended Under New Business	Pass

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 1511 French St. Owner Jason Meredith

WHEREAS, the above property has been inspected and has been determined unsuited for human habitation

WHEREAS: all the stipulations have been met in the condemnation process to proceed with condemnation of this property

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT: the city should proceed with the condemnation of the property at: 1511 French St.



## CONDEMNATION CHECKLIST

Property Address: 1511 French Phone: \_\_\_\_\_  
 Property Owner: Jason W Meredith Phone: \_\_\_\_\_  
 Owner's Address: 3402 Colony Fax: \_\_\_\_\_  
Jonesboro, AR 72404

	BEGINNING DATE	ENDING DATE	ACTION
<input checked="" type="checkbox"/>	<u>3/15/13</u>	<u>3/15/13</u>	1. Identify structure unfit for human habitation.
<input checked="" type="checkbox"/>	<u>3/15/13</u>	<u>3/15/13</u>	2. Inspect Property. (Condemnation Officer & Building Inspector) <input checked="" type="checkbox"/> a. Prepare inspection report. <input checked="" type="checkbox"/> b. Photograph property.
<input checked="" type="checkbox"/>	<u>3/21/13</u>	<u>3/21/13</u>	3. Determine ownership from county assessment & tax collection record.
<input checked="" type="checkbox"/>	<u>3/21/13</u>	<u>3/21/13</u>	4. Obtain legal description.
<input checked="" type="checkbox"/>	<u>3/26/13</u>	<u>3/26/13</u>	5. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner with 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
<input checked="" type="checkbox"/>	<u>5/7/13</u>	<u>5/7/13</u>	6. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input checked="" type="checkbox"/>	<u>5/7/13</u>	<u>5/7/13</u>	7. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/>	_____	_____	8. Send 20-day pre-notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
<input type="checkbox"/>	_____	_____	<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Arkansas. 1) Post affidavit in newspaper once a week for two consecutive weeks
<input type="checkbox"/>	_____	_____	2) Attorney ad litem appointed to notify defendant.
<input type="checkbox"/>	_____	_____	9. Post sign on the property advising date the City Council will consider condemnation of the structure.
<input type="checkbox"/>	_____	_____	10. Photograph posted sign.
<input type="checkbox"/>	_____	_____	11. Prepare information packet for each City Council member, plus one each for Mayor & City Attorney consisting of: <input checked="" type="checkbox"/> a. Location map <input checked="" type="checkbox"/> b. Photographs of the structure <input checked="" type="checkbox"/> c. Inspection report <input type="checkbox"/> d. Pre-condemnation notice <input type="checkbox"/> e. Condemnation resolution

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> _____	_____	12. Place condemnation action resolution & supporting documentation for placement on the City Council agenda.
<input type="checkbox"/> _____	_____	13. City Council adopts condemnation resolution.
<input type="checkbox"/> _____	_____	File certified copy of Condemnation Resolution with Circuit Clerk.
<input type="checkbox"/> _____	_____	14. Clerk.
<input type="checkbox"/> _____	_____	15. Send owner(s) & other vested interests the following: <input type="checkbox"/> a. Copy of the City Council resolution. <input type="checkbox"/> b. 30-day notice to cure through repair, demolition or with inspector's approval, board & secure for stated period of time.
<input type="checkbox"/> _____	_____	16. Post 30-day notice to cure on structure.
<input type="checkbox"/> _____	_____	17. Photograph posted notice.
<input type="checkbox"/> _____	_____	18. Evaluate status of owner's action on 31 <sup>st</sup> day after Notice to Cure was issued. If no action taken by owner, proceed with demolition.
<input type="checkbox"/> _____	_____	19. Determine presence of asbestos & dangerous mold. If present, prepare a removal plan.
<input type="checkbox"/> _____	_____	20. Obtain three demolition bids.
<input type="checkbox"/> _____	_____	21. Notice of Intent with ADEQ
<input type="checkbox"/> _____	_____	22. Notify utility companies to disconnect & remove service from structure for safe demolition.
<input type="checkbox"/> _____	_____	23. Issue Notice to Proceed to demolition contractor.
<input type="checkbox"/> _____	_____	24. Prepare demolition cost statement consisting of: <input type="checkbox"/> a. Mailing fees <input type="checkbox"/> b. Publication fees <input type="checkbox"/> c. Demolition costs <input type="checkbox"/> d. Asbestos and/or dangerous mold testing fee <input type="checkbox"/> e. Asbestos and/or dangerous mold removal fee <input type="checkbox"/> f. Title search fee <input type="checkbox"/> g. Landfill tipping fees(if not included with demolition contract) <input type="checkbox"/> h. Photograph costs <input type="checkbox"/> i. Attorney fees <input type="checkbox"/> j. Filing fees for Circuit Clerk <input type="checkbox"/> k. Any documentation miscellaneous costs <input type="checkbox"/> l. Send Total to City Collector for billing to owners
<b>TOTALS=</b>	_____	
<input type="checkbox"/> _____	_____	25. Send a letter & cost statement to the City Attorney requesting a tax lien be placed on the property.



DEPARTMENT OF INSPECTION AND CODE ENFORCEMENT  
**RESIDENTIAL BUILDING INSPECTION REPORT**

DATE OF INSPECTION:	<b>3-15-2013</b>
PROPERTY ADDRESS:	<b>1511 French St</b>
PROPERTY OWNER:	<b>Jason Meredith</b>
OCCUPIED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

BUILDING ELEMENT	1 thru 5 CONDITION					NOTES & COMMENTS
	VERY POOR				VERY GOOD	
Foundation					5	Slab
Front Porch					5	Slab/ Concrete
Exterior Doors and Windows	1					Busted and broke house open
Roof Underlay		2				Rotten in place
Roof Surface		2				3-tab shingles approx. 5-7 years old
Chimney						Non-Existing
Siding	1					Old metal siding( Aluminum)
Facia and Trim		2				rotten
Interior Doors						Non-Existing
Interior Walls	1					Sheetrock busted due to vandalizime

Ceilings	1					Non-existing out to steal wiring
Flooring Underlay					5	Slab
Flooring Surfaces						Non-Existing
Electrical	1					Not to code
Heating	1					Not to code
Plumbing	1					Not to code

In my opinion, this structure	<input type="checkbox"/>	is	<input checked="" type="checkbox"/>	is not	Suitable for human habitation.
In my opinion this structure	<input checked="" type="checkbox"/>	is	<input type="checkbox"/>	is not	Physically feasible for rehabilitation.
In my opinion, this structure	<input type="checkbox"/>	is	<input checked="" type="checkbox"/>	is not	Economically feasible for rehabilitation.
In my opinion, this structure	<input checked="" type="checkbox"/>	is	<input type="checkbox"/>	is not	A public safety hazard and should be condemned immediately.

Due to condition of the home it should be removed and due to safety, health and welfare it should be removed.

**EMERGENCY ACTION IS WARRANTED:**  YES  NO

<i>Terry Adams</i> 3-15-2013 Terry Adams, Certified Building Inspector	Craig Davenport, Fire Marshal	Other Signature

**CITY HALL • 515 WEST WASHINGTON AVE • JONESBORO, AR 72401 • TEL 870-933-4602 • FAX 870-933-4636**



## Legislation Details (With Text)

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**File #:** RES-13:076    **Version:** 1    **Name:** Condemnation at 3605 Longcrest  
**Type:** Resolution    **Status:** Recommended Under New Business  
**File created:** 5/8/2013    **In control:** Public Safety Council Committee  
**On agenda:** 7/16/2013    **Final action:**  
**Title:** RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at: 3605 Longcrest Dr. Owner Helen Wrinkles ETAL  
**Sponsors:** Code Enforcement  
**Indexes:** Condemnation  
**Code sections:**  
**Attachments:** [CONDEMNATION CHECKLIS3](#)  
[Inspection Report059Inspection Report](#)  
[3605 Longcrest](#)

Date	Ver.	Action By	Action	Result
5/28/2013	1	Public Safety Council Committee	Recommended Under New Business	Pass

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at: 3605 Longcrest Dr. Owner Helen Wrinkles ETAL

WHEREAS, the above property has been inspected and has been determined unsuited for human habitation

WHEREAS: all the stipulation have been met in the condemnation process to proceed with condemnation of this property

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT: the city should proceed with the condemnation of the property at: 3605 Longcrest Dr.

## CONDEMNATION CHECKLIST

Property Address: 3605 Longcrest Phone: \_\_\_\_\_  
 Property Owner: Helen Wrinkles Phone: \_\_\_\_\_  
 Owner's Address: PO Box 2635 Fax: \_\_\_\_\_  
Jonesboro, AR 72402

BEGINNING DATE	ENDING DATE	ACTION
<input checked="" type="checkbox"/> <u>3/6/13</u>	<u>3/6/13</u>	1. Identify structure unfit for human habitation.
<input checked="" type="checkbox"/> <u>3/15/13</u>	<u>3/15/13</u>	2. Inspect Property. (Condemnation Officer & Building Inspector) <input checked="" type="checkbox"/> a. Prepare inspection report. <input checked="" type="checkbox"/> b. Photograph property.
<input checked="" type="checkbox"/> <u>3/6/13</u>	<u>3/6/13</u>	3. Determine ownership from county assessment & tax collection record.
<input checked="" type="checkbox"/> <u>3/6/13</u>	<u>3/6/13</u>	4. Obtain legal description.
<input checked="" type="checkbox"/> <u>3/26/13</u>	<u>3/26/13</u>	5. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner with 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
<input checked="" type="checkbox"/> <u>5/6/13</u>	<u>5/6/13</u>	6. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input checked="" type="checkbox"/> <u>4/17/13</u>	<u>4/17/13</u>	7. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/> _____	_____	8. Send 20-day pre-notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
<input type="checkbox"/> _____	_____	<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Arkansas. 1) Post affidavit in newspaper once a week for two consecutive weeks
<input type="checkbox"/> _____	_____	2) Attorney ad litem appointed to notify defendant.
<input type="checkbox"/> _____	_____	9. Post sign on the property advising date the City Council will consider condemnation of the structure.
<input type="checkbox"/> _____	_____	10. Photograph posted sign.
<input type="checkbox"/> _____	_____	11. Prepare information packet for each City Council member, plus one each for Mayor & City Attorney consisting of: <input checked="" type="checkbox"/> a. Location map <input checked="" type="checkbox"/> b. Photographs of the structure <input checked="" type="checkbox"/> c. Inspection report <input type="checkbox"/> d. Pre-condemnation notice <input type="checkbox"/> e. Condemnation resolution

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> _____	_____	12. Place condemnation action resolution & supporting documentation for placement on the City Council agenda.
<input type="checkbox"/> _____	_____	13. City Council adopts condemnation resolution.
<input type="checkbox"/> _____	_____	File certified copy of Condemnation Resolution with Circuit Clerk.
<input type="checkbox"/> _____	_____	14. Clerk.
<input type="checkbox"/> _____	_____	15. Send owner(s) & other vested interests the following:
		<input type="checkbox"/> a. Copy of the City Council resolution.
		<input type="checkbox"/> b. 30-day notice to cure through repair, demolition or with inspector's approval, board & secure for stated period of time.
<input type="checkbox"/> _____	_____	16. Post 30-day notice to cure on structure.
<input type="checkbox"/> _____	_____	17. Photograph posted notice.
<input type="checkbox"/> _____	_____	18. Evaluate status of owner's action on 31 <sup>st</sup> day after Notice to Cure was issued. If no action taken by owner, proceed with demolition.
<input type="checkbox"/> _____	_____	19. Determine presence of asbestos & dangerous mold. If present, prepare a removal plan.
<input type="checkbox"/> _____	_____	20. Obtain three demolition bids.
<input type="checkbox"/> _____	_____	21. Notice of Intent with ADEQ
<input type="checkbox"/> _____	_____	22. Notify utility companies to disconnect & remove service from structure for safe demolition.
<input type="checkbox"/> _____	_____	23. Issue Notice to Proceed to demolition contractor.
<input type="checkbox"/> _____	_____	24. Prepare demolition cost statement consisting of:
	_____	<input type="checkbox"/> a. Mailing fees
	_____	<input type="checkbox"/> b. Publication fees
	_____	<input type="checkbox"/> c. Demolition costs
	_____	<input type="checkbox"/> d. Asbestos and/or dangerous mold testing fee
	_____	<input type="checkbox"/> e. Asbestos and/or dangerous mold removal fee
	_____	<input type="checkbox"/> f. Title search fee
	_____	<input type="checkbox"/> g. Landfill tipping fees(if not included with demolition contract)
	_____	<input type="checkbox"/> h. Photograph costs
	_____	<input type="checkbox"/> i. Attorney fees
	_____	<input type="checkbox"/> j. Filing fees for Circuit Clerk
	_____	<input type="checkbox"/> k. Any documentation miscellaneous costs
	_____	<input type="checkbox"/> l. Send Total to City Collector for billing to owners
<b>TOTALS=</b>	_____	
<input type="checkbox"/> _____	_____	25. Send a letter & cost statement to the City Attorney requesting a tax lien be placed on the property.



DEPARTMENT OF INSPECTION AND CODE ENFORCEMENT

**RESIDENTIAL BUILDING INSPECTION REPORT**

DATE OF INSPECTION:	<b>3-15-2013</b>
PROPERTY ADDRESS:	<b>3605 Longcrest</b>
PROPERTY OWNER:	<b>Helen Wrinkles</b>
OCCUPIED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

BUILDING ELEMENT	1 thru 5 CONDITION					NOTES & COMMENTS
	VERY POOR				VERY GOOD	
Foundation	1					Solid mortar falling out home setting og ground
Front Porch					5	Concrete
Exterior Doors and Windows	1					Broke and old wood rotted
Roof Underlay	1					Rotten
Roof Surface		2				Dimensional shingles 4 yrs
Chimney						Non-Existing
Siding		2				Old rotten masonite
Facia and Trim	1					Wood rotten
Interior Doors	1					Could not access

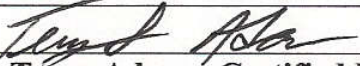


Interior Walls	1				Couldnot Access
Ceilings	1				Rooten Falling in see them from window
Flooring Underlay		2			Based on Roof leaks( floor rotten
Flooring Surfaces	1				Rotten carpet
Electrical	1				Not to Code
Heating	1				Not to Code
Plumbing	1				Not to Code

In my opinion, this structure	<input type="checkbox"/>	is	<input checked="" type="checkbox"/>	is not	Suitable for human habitation.
In my opinion this structure	<input type="checkbox"/>	is	<input checked="" type="checkbox"/>	is not	Physically feasible for rehabilitation.
In my opinion, this structure	<input type="checkbox"/>	is	<input checked="" type="checkbox"/>	is not	Economically feasible for rehabilitation.
In my opinion, this structure	<input checked="" type="checkbox"/>	is	<input type="checkbox"/>	is not	A public safety hazard and should be condemned immediately.

Due to Safety, Health and Welfare this structure should be abated.

**EMERGENCY ACTION IS WARRANTED:**  YES  NO

 3-15-2013			
Terry Adams, Certified Building Inspector	Craig Davenport, Fire Marshal	Other Signature	



Legislation Details (With Text)

**File #:** RES-13:107    **Version:** 1    **Name:** Set a public hearing for abandonment at 4628 Keely Cove

**Type:** Resolution    **Status:** Recommended Under New Business

**File created:** 6/26/2013    **In control:** Public Works Council Committee

**On agenda:**    **Final action:**

**Title:** RESOLUTION TO SET A PUBLIC HEARING TO ABANDON A 10 FOOT DRAINAGE EASEMENT AT 4628 KEELY COVE AS REQUESTED BY QUENTIN DUFF AIDMORE PROPERTY GROUP, LLC.

**Sponsors:**

**Indexes:** Abandonment, Public hearing

**Code sections:**

**Attachments:** [Plat](#)  
[Planning letter](#)  
[Petition](#)  
[Application](#)  
[Note saying why no abutting property owner letters](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	Public Works Council Committee		

RESOLUTION TO SET A PUBLIC HEARING TO ABANDON A 10 FOOT DRAINAGE EASEMENT AT 4628 KEELY COVE AS REQUESTED BY QUENTIN DUFF AIDMORE PROPERTY GROUP, LLC. WHEREAS, the property owners have filed a petition with the City Clerk of the City of Jonesboro, Arkansas requesting that

DESCRIPTION:

THAT PART OF LOT 8, BLOCK "B" OF CALDWELL ACRES, JONESBORO, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8, RUN THENCE N89° 49'41" EAST 10.0 FEET, RUN THENCE NORTH 0°21'32" WEST 15.0 FEET TO THE TRUE POINT OF BEGINNING, RUN THENCE NORTH 0°21'32" WEST 86.0 FEET, RUN THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET A DISTANCE OF 10.5 FEET, RUN THENCE SOUTH 0°21'32" EAST 89.2 FEET, RUN THENCE SOUTH 89°49'41" WEST 10.0 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 875 SQUARE FEET, MORE OR LESS.

CONTAINING IN ALL 875 SQ. FT. OR 0.02 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

Be vacated and abandoned; and

WHEREAS, the Petition has been presented to the City Council of the City of Jonesboro, Arkansas; AND

WHEREAS, Arkansas Code Annotated 14-301-110 requires two weeks public notice before the above

easement can be vacated and abandoned;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jonesboro, Arkansas that the City Clerk is directed to publish a notice a week for two consecutive weeks advising the public of the request by the property owners to vacate and abandon the 10' drainage easement mentioned above and this matter will be heard before the City Council on \_\_\_\_\_, at \_\_\_\_\_ in the Council Chambers, 900 West Monroe, Jonesboro, Arkansas.

SURVEY FOR: HUD

OF: 4628 Keely Cove  
Jonesboro, Arkansas

The following described lands in Craighead County, Arkansas, to-wit:

ALL of Lot 8 in Block "B" of Caldwell Acres, Jonesboro, Arkansas, as shown by a Plat of record in Plat Cabinet "B" at page 196 at Jonesboro, Arkansas, subject to easements as shown on recorded plat.

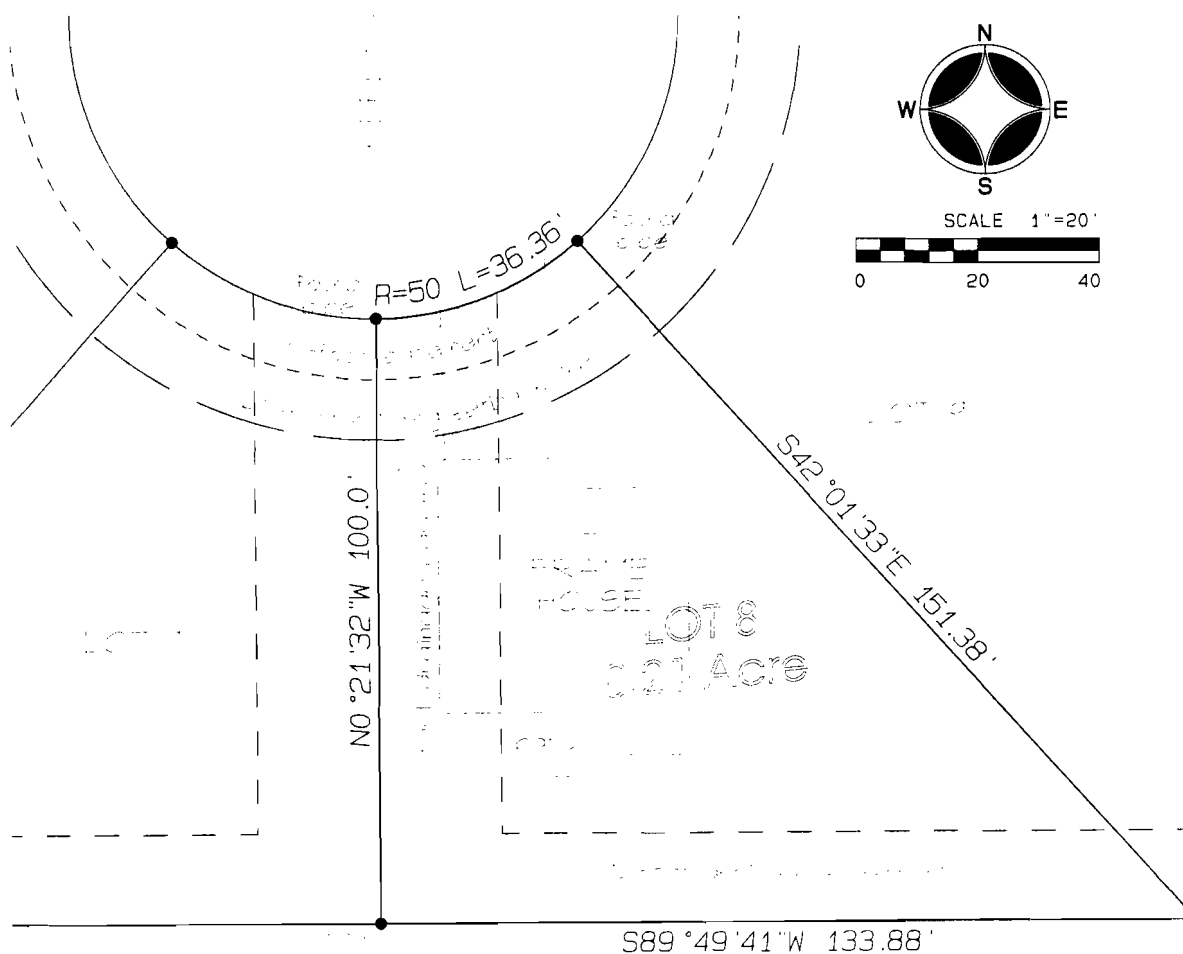
Portion of drainage easement to be abandoned:

That part of Lot 8, Block "B" of Caldwell Acres, Jonesboro, Arkansas, described as follows: Beginning at the Southwest corner of said Lot 8, run thence N89°49'41"E 10.0 feet, run thence N0°21'32"W 15.0 feet to the true point of beginning, run thence N0°21'32"W 86.0 feet, run thence Northeasterly along a curve to the left having a radius of 50.0 feet a distance of 10.5 feet, run thence S0°21'32"E 89.2 feet, run thence S89°49'41"W 10.0 feet to the true point of beginning, containing 875 square feet, more or less.

Notes:

- 1.) Bearings from record.
- 2.) Improvements are as shown.

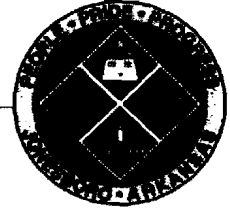
Dated: June 11, 2013



Bradley P. Hancock  
Surveying & Mapping  
140 North Second Street  
Jonesboro, Arkansas

City of  
**Jonesboro**  
ARKANSAS

PLANNING & ZONING DEPARTMENT



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

June 25, 2013

**Quentin Duff**  
**Aidmore Property Group, LLC**  
**P.O. Box 50**  
**Dudley MO 63936**

Re: Abandonment of a portion of a 10-ft.drainage easement

**Dear Mr. Duff,**

The City of Jonesboro Planning/Engineering Departments have received your request to abandon a communication easement, as described on the petition and drawings provided by you.

The Planning & Engineering Departments have no objection to this abandonment request and has determined that it will not cause any incompilance with the Zoning or Subdivision Regulations.

If you require any additional information, please advise us at your convenience.

Sincerely,

Otis T. Spriggs AICP  
Planning Director, City Jonesboro, AR

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PETITION TO VACATE AND ABANDON A 10 FOOT DRAINAGE EASEMENT AND  
DECLARING AN EMERGENCY FOR THE PURPOSE OF EXPEDITING THE SALE OF  
THE PROPERTY BY OWNER, QUENTIN DUFF, AIDMORE PROPERTY GROUP LLC.

CRAIGHEAD COUNTY, JONESBORO, ARKANSAS.

TO: The Honorable Harold Perrin and the Members of the Jonesboro City Council

I, Quentin Duff Aidmore Property Group LLC, the undersigned, having contacted all affected parties of the real estate of or adjacent (to) the easement to be vacated hereinafter sought to be abandoned and vacated, lying in Jonesboro, Arkansas, a municipal corporation, petition to vacate a 10ft. drainage easement, which is described as follows:

DESCRIPTION:

THAT PART OF LOT 8, BLOCK "B" OF CALDWELL ACRES, JONESBORO, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8, RUN THENCE N89 DEGREES 49 MINUTES 41 SECONDS EAST 10.0 FEET, RUN THENCE NORTH 0 DEGREES 21 MINUTES 32 SECONDS WEST 15.0 FEET TO THE TRUE POINT OF BEGINNING, RUN THENCE NORTH 0 DEGREES 21 MINUTES 32 SECONDS WEST 86.0 FEET, RUN THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET A DISTANCE OF 10.5 FEET, RUN THENCE SOUTH 0 DEGREES 21 MINUTES 32 SECONDS EAST 89.2 FEET, RUN THENCE SOUTH 89 DEGREES 49 MINUTES 41 SECONDS WEST 10.0 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 875 SQUARE FEET, MORE OR LESS.

CONTAINING IN ALL 875 SQ. FT. OR 0.02 ACRES, MORE OR LESS.

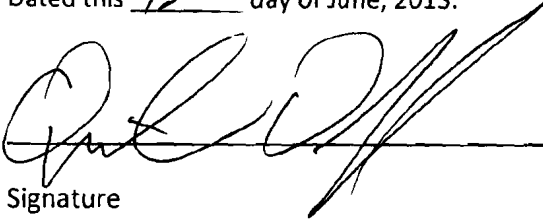
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

That the real estate affected by said abandonment of the 10 ft. drainage easement, a sealed copy of the original plat, in the Circuit Clerk's Office for the County of Craighead, State of Arkansas, is attached hereto, and made a part hereof as though set out herein word for word.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described easement. The petitioners recommend that the City of Jonesboro, Arkansas, abandon and vacate the above described easement, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully recommend that the governing body of the City of Jonesboro, Arkansas, abandon and vacate the above described 10ft. drainage easement, as to that particular land be free from the easements of the public for the use of said 10ft. drainage easement.

Dated this 13<sup>th</sup> day of June, 2013.

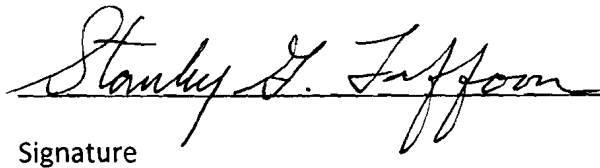
  
Signature

State of Missouri

County of Stoddard

On this day before me, a Notary Public, duly commissioned, qualified and acting within and for said county and state, appeared the within named Quentin Duff Aidmore Property Group LLC, and acknowledged that he/she/they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 13<sup>th</sup> day of June, 2013.

  
Signature



Phillip has  
ok'd. out of STATE  
ownership/  
NOTARY  
3



# Easement / Street/ Alley Abandonment

## Application Form

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the City Council agenda until the application is completed and required information provided.

Property Information	Address	4628 Keely Cove
	Attach legal description of property to this application. May be found on warranty deed or current survey of property.	

Project Information	Select the property type being vacated:	
	<input type="checkbox"/> Alley	<input type="checkbox"/> Utility Easement
	<input type="checkbox"/> Street or R.O.W.	<input checked="" type="checkbox"/> Drainage Easement
	<input type="checkbox"/> Cross Access Easement	

Owner	Name	Aidmore Property Group LLC Questar AR, LLC	Phone	573-776-5324	<input type="checkbox"/> Select if this is the primary contact
	Address	P.O. Box 50	Fax		
	City, State, Zip	Andover MO 63936	E-mail	gduff@msn.com	

Applicant/ Representative	Name	Rick McKenzie	Phone	870-530-0266	<input checked="" type="checkbox"/> Select if this is the primary contact
	Address	2907 S. CAMWAY	Fax	901-271-9146	
	City, State, Zip	Jonesboro AR 72401	E-mail	R.mckenzie@cape-keike.com	

**Applicant/Representative:** I certify that the foregoing statements and answers herein made all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

✓ Rick McKenzie

Date: 6-13-13

**Property Owner/Authorized Agent:** I certify that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf).

✓ Questar

Date: 6-13-13

**Note:** The samples provided in this packet only to assist proponents in preparing the required documents. Proponents should satisfy themselves as to the legal sufficiency for their specific use in accordance with Arkansas State Code, Section 14-301 which regulates the abandonment of public easements and rights of ways.

Staff Use Only	Date Application Submitted	Date Approved by City Engineer	Date Approved by City Planner
	Date Accepted as Complete	Legistar File No.:	Abandonment Type:



No Affected  
Neighbors  
Drainage account  
Steps short of  
property-line.



## Legislation Details (With Text)

<b>File #:</b>	ORD-13:027	<b>Version:</b>	1	<b>Name:</b>	Abandonment on Avenir Place
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	Second Reading
<b>File created:</b>	6/19/2013	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141				
<b>Sponsors:</b>					
<b>Indexes:</b>	Abandonment				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Adjacent property owner consent</a> <a href="#">Utility Letters</a> <a href="#">Plats</a> <a href="#">Planning Letter</a> <a href="#">Petition</a> <a href="#">Letter regarding Centerpoint Energy</a>				

Date	Ver.	Action By	Action	Result
7/2/2013	1	City Council		

AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that:

SECTION ONE: The City of Jonesboro, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to the portion of this right of way designated as follows:

### LEGAL DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.026 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS

OF RECORD

SECTION TWO: A copy of this ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Craighead County, Arkansas and shall be filed in the Deed Records of such office.

**Haywood, Kenward, Bare**  
**AND ASSOCIATES, INC.**  
Civil Engineering - Surveying - Planning

July 13, 2012

Rhonda Boyer  
1805 Avenir Place  
Jonesboro, AR 72403-0954

RE: Request for a Partial Right-of-Way Abandonment

Dear Mrs. Boyer,

Haywood, Kenward, Bare & Associates is requesting the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; Recorded in Book H, Page 141; Being more particularly described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88°56'56" West 80.16 feet, to a point on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1126.85 square feet; Being subject to all Rights-of-Way and easements of Record,

As shown on the attached Exhibit A.

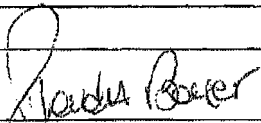
If you have any questions or need additional information, please feel free to contact me at 870-932-2019.

I do not object to the requested vacation described above.

I do object to the requested vacation described above because.

Comments:

\_\_\_\_\_  
\_\_\_\_\_

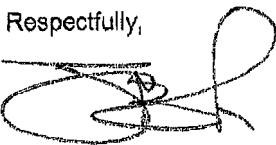


Signature of Property Owner/ Representative

8/12

Date

Respectfully,



Jason Branch, PS  
Haywood, Kenward, Bare & Associates, Inc.

1801 Latourette Drive, Jonesboro, AR 72404  
Bus. (870) 932-2019 Fax (870) 932-1076  
E-mail: hkb@hkbinc.com

**Haywood, Kenward, Bare**  
**AND ASSOCIATES, INC.**  
Civil Engineering - Surveying - Planning

July 13, 2012

Dean A. Tyrer  
2603 Browns Lane  
Jonesboro, AR 72401

RE: Request for a Partial Right-of-Way Abandonment

Dear Mr. Tyrer,

Haywood, Kenward, Bare & Associates is requesting the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; Recorded in Book H, Page 141; Being more particularly described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88°56'56" West 80.16 feet, to a point on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1128.85 square feet; Being subject to all Rights-of-Way and easements of Record,

As shown on the attached Exhibit A.

If you have any questions or need additional information, please feel free to contact me at 870-932-2019.

- I do not object to the requested vacation described above.  
 I do object to the requested vacation described above because.

Comments:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Property Owner/ Representative 8/28/12  
Date

Respectfully,  


Jason Branch, PS  
Haywood, Kenward, Bare & Associates, Inc.



*Owned by the Citizens of Jonesboro*

August 8, 2012

City of Jonesboro  
P.O. Box 1845  
Jonesboro, AR 72403  
Attn: Donna Jackson, City Clerk

Re: Right of Way Abandonment  
Avenir Place Cul-de-Sac

Dear Donna:

City Water and Light has no objection with the abandonment of the Right-of-Way more particularly described as:

Beginning at the Southeast corner of Lot 2 of Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition to Jonesboro, Arkansas; said point being on the North Right-of-Way line of Avenir Place; thence South 88°56'56" West, along said line, 106.10 feet, to the point of beginning proper; thence South 88°56' 56" West 80.16 feet, to a point on a curve to the right; thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; containing 0.026 acres or 1126.85 square feet; being subject to all Rights-of-Way and easements of record, as shown on the attached Exhibit A.

City Water and Light would require a utility easement over the proposed abandonment. Please call if more information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Bowen", is written over a white, irregularly shaped background.

Ronald L. Bowen  
Manager, City Water & Light

Enclosure

Cc: Donna Jackson  
Otis Spriggs  
Haywood, Kenward, Bare & Associates



Cindy Cole  
Manager-Engineering Design

AT&T - Arkansas  
723 S. Church, Rm. B27  
Jonesboro, AR 72401  
(870) 972.7600 Phone

**August 3, 2012**

**RE: Right-of-Way Abandonment  
Avenir Place  
City of Jonesboro  
Craighead County**

AT&T has no objection with the abandonment of the Right-of-Way on Avenir Place as described in the attached request.

At the current time AT&T has no facilities in this Right-of-Way.

Please contact me if you have any questions.

Sincerely,

Cindy Cole  
Manager Engineer Design

## UTILITY RELEASE FORM

R.O.W. (Right of Way) Abandonment Request

I have been notified of the petition to vacate the following described as follows:

Beginning at the Southeast corner of Lot 2 of Primary Car Investments Replat of JMEC addition and Lots 1 and 2 Browns Landing Addition to Jonesboro , Arkansas; said point being on the North Right-of-Way line of Avenir Place; Thence South 88 56'56" West, along said line, 106.10 feet, to the point of beginning proper; Thence continue South 88 56'56" West 80.16 feet, on a curve to the right; Thence in a Northeasterly direction along said curve, radius 50.00 feet, a distance of 93.00 feet, to the point of beginning proper; Containing 0.026 acres or 1126.85 square feet; Being subject to al Rights-of-Wayand easements of Record, As shown on the attached.

### UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below:

Cindy Cole  
Design Engineer ATT  
870-972-7600

Signature of Utility Company Representative





To: Haywood, Kenward, Bare and Associates, Inc

From: Suddenlink Communications, Inc.

Date: August 21, 2012

Re: Request for Partial Right-of-Way Abandonment

Suddenlink Communications, Inc. has no objection to the abandonment of that part of the undeveloped portion of the Avenir Place Cul-de-Sac, lying at the West end of the platted Right-of-Way of Avenir Place, as shown on the Primary Care Investments Replat of JMEC Addition and Lots 1 and 2 Browns Landing Addition, located in Jonesboro, Craighead County, Arkansas.

Respectfully,

*John Fain*

Construction Planner  
Suddenlink Communications, Inc.

# HKB

## COMPILATION MAP

THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE (OUL-DE-SAC) LYING SOUTH OF WINDOVER ROAD AND WEST OF BROWNS LANE JONESBORO, CRAIGHHEAD COUNTY, ARKANSAS

**HAYWOOD, KENWARD, BARE AND ASSOCIATES, INC.**  
 CIVIL Engineering, Surveying & Planning Services  
 1801 Leitchfield Drive, Jonesboro, AR, 72404  
 TEL: 870-932-2019 FAX: 870-932-1028

**PRELIMINARY**

JASON H. BRANCH, PS  
 AR - 1596

**PRELIMINARY**

Haywood, Kenward, Bare, and Associates, Inc  
 Arkansas - 234

CLIENT:  
 WRIGHT

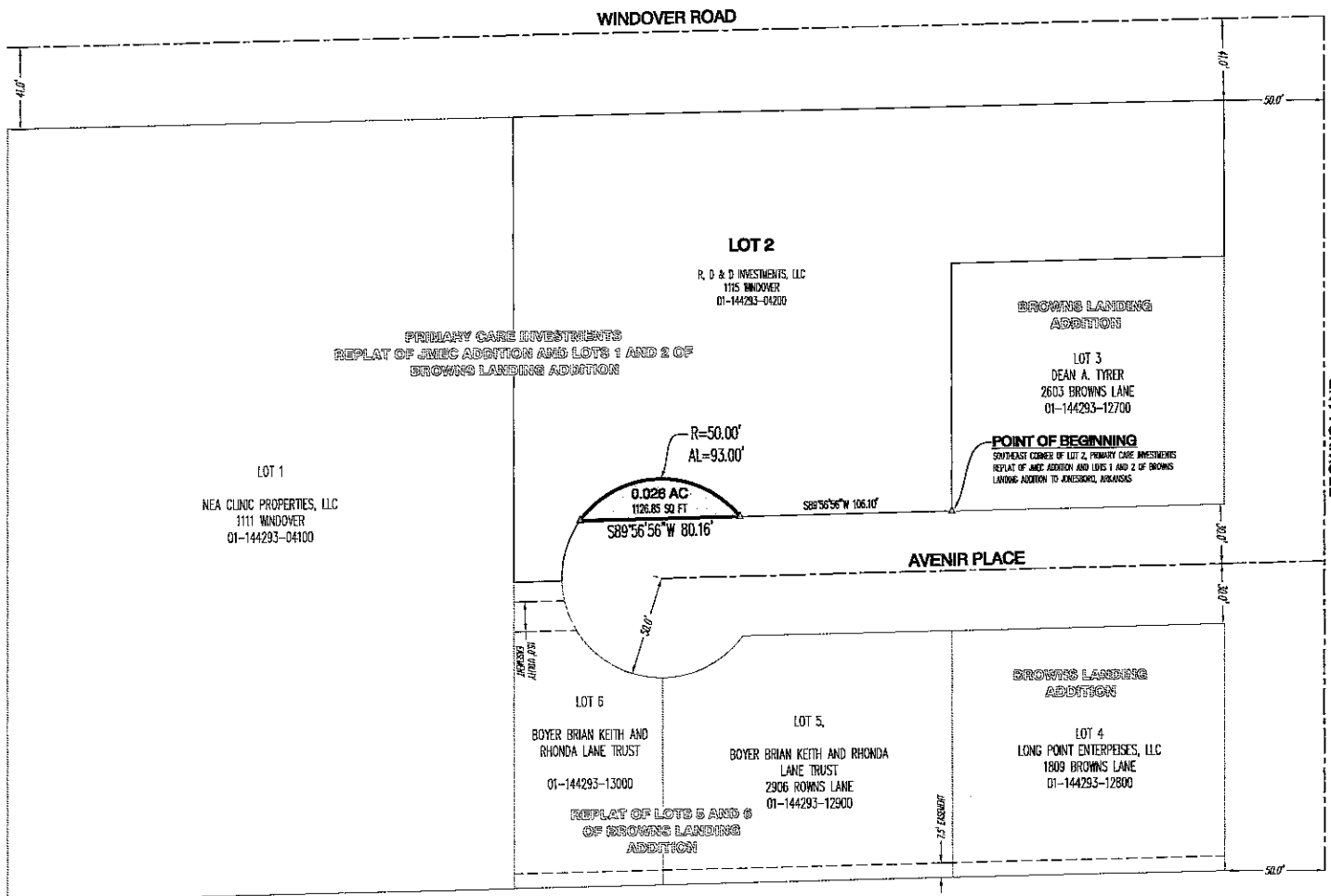
COPYRIGHT 2012, ALL RIGHTS RESERVED

REVISIONS

DATE	BY	DESCRIPTION

PROJECT NO.  
 WQ4Q-0001-28

DRAWN BY	CHECKED BY	SHEET	SCALE
JHB		1 of 1	1"=40'
DATE			DRAWING NO.
07/12/12			



**PARTIAL RIGHT-OF-WAY ABANDONMENT:**

THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE (OUL-DE-SAC), LYING AT THE WEST END OF THE PLATTED BROTT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTH EAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.028 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

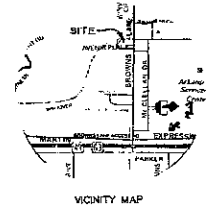


## COMPILATION MAP

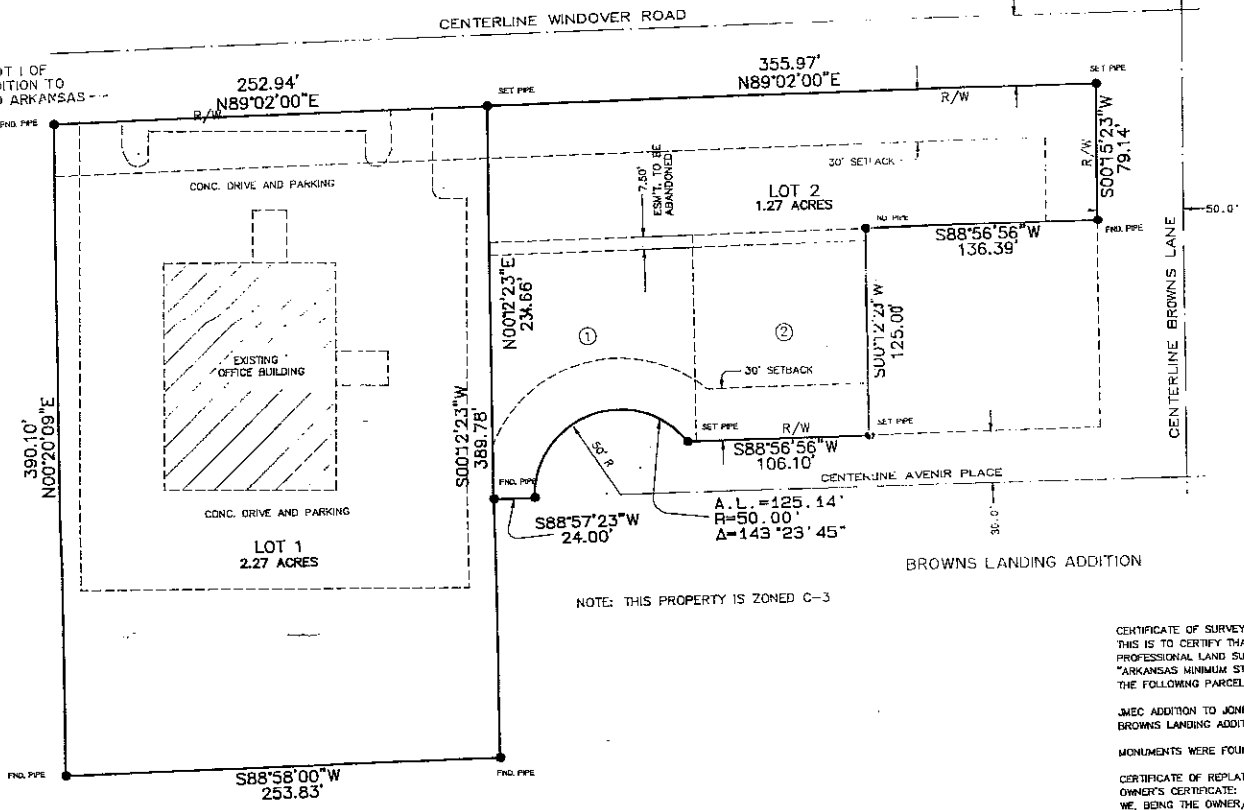
BASED UPON BEARINGS, PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS BY TERRY BARE, P.S. 1094, FILED IN BOOK 6, PAGE 141.



FILED FOR RECORD  
 This 27<sup>th</sup> day of Sept. 1995  
 4238  
 PAT FLEETWOOD  
 Circuit & Chancery Court Clerk  
 by Shirley Handley, C.P.



NW COR. LOT 1 OF  
 J.M.E.C. ADDITION TO  
 JONESBORO ARKANSAS



NOTE: THIS PROPERTY IS ZONED C-3

CERTIFICATE OF SURVEY:  
 THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE, AND ASSOCIATES, INC.,  
 PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED IN ACCORDANCE WITH  
 "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARIES AND PLATS",  
 THE FOLLOWING PARCEL/PARCELS OF LAND:

JMEC ADDITION TO JONESBORO, ARKANSAS AND LOTS 1 AND 2 OF  
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

MONUMENTS WERE FOUND OR SET AS NOTED ON THE PLAT OF SURVEY HEREON.

CERTIFICATE OF REPLAT:  
 OWNER'S CERTIFICATE:  
 WE, BEING THE OWNER/AGENTS OF THE ABOVE DESCRIBED PARCEL/PARCELS OF  
 LAND DO HEREBY ADOPT THE PLAN OF RE-PLAT AS SHOWN HEREON, AND DO  
 HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREETS OF WIDTH,  
 LENGTH, AND LOCATION AS SHOWN HEREON, AND SAID OWNER/AGENTS DO  
 HEREBY DEDICATE ALL EASEMENTS FOR THE EXPRESS PURPOSE AND INTENDED  
 USE DESCRIBED HEREON.

" SAID RE-PLAT SHALL HERE-IN-AFTER BE DESIGNATED AND REFERRED TO AS

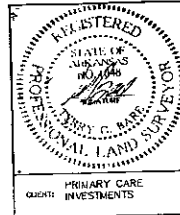
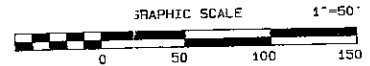
PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 OF  
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

SIGNED THIS 17<sup>th</sup> DAY OF AUGUST, 1995 BY:  
 [Signature] OWNER/AGENT

METROPOLITAN AREA PLANNING COMMISSION  
 Jonesboro - Craighead County

PRELIMINARY APPROVAL  
 FINAL APPROVAL  
 AS NOTED  
 DISAPPROVED  
 TABLED

[Signature] Chairman  
 [Signature] Secretary  
 AUG 22 1995 Date



**RECORD REPLAT**

PRIMARY CARE INVESTMENTS  
 REPLAT OF JMEC ADDITION AND LOTS 1 AND 2  
 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS

**HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.**  
 SURVEYING - PLANNING  
 603 SOUTHWEST DRIVE, SUITE A  
 JONESBORO, ARKANSAS 72401  
 TEL 501-932-2019 FAX 501-932-1076

REVISIONS

DATE	BY	DESCRIPTION

DRAWN: S.P.  
 DATE: 8/17/94

CHECKED: T.B.  
 DATE: 8/17/94

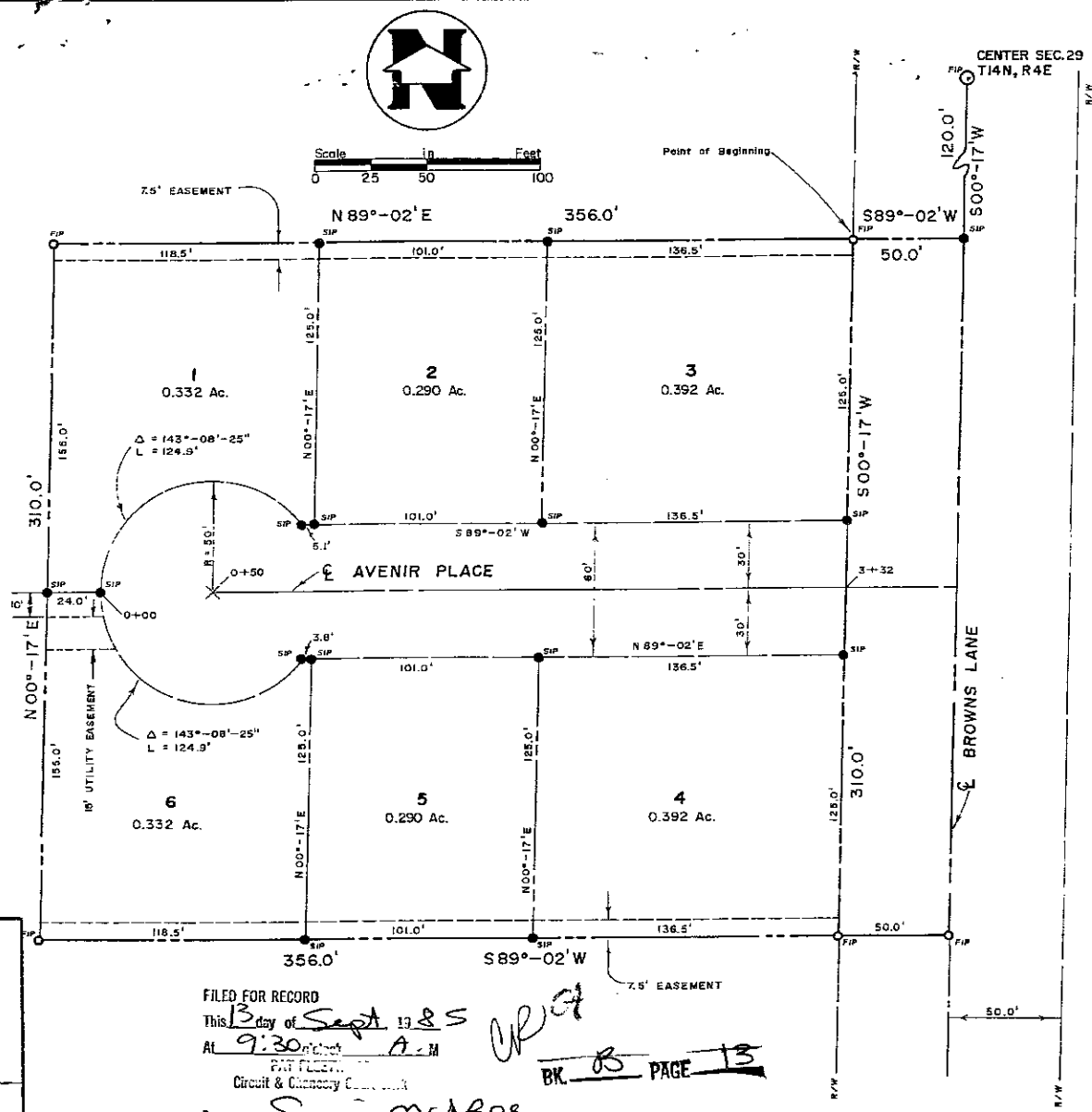
JOB NO.  
 014595

SHEET NO.  
 1

SCALE  
 1" = 50'

DRAWING NO.  
 57-55

RP95-47



BOUNDARY DESCRIPTION

A part of the East Half of the Northeast Quarter of the Southwest Quarter (E 1/2, NE 1/4, SW 1/4) of Section 29, Township 14 North, Range 4 East of the 5th Principal Meridian in Craighead County, Arkansas, more particularly described as follows:

From the Northeast Corner of the NE 1/4 of the SW 1/4 of said Section 29 thence S00°17'W 120.00 feet along the east line of the NE 1/4, of the SW 1/4 of said Section 29 to a point, thence S89°02'W 50.00 feet to a point on the westerly right of way of Browns Lane, the Point of Beginning;

Thence S00°17'W 310.00 feet along said right of way to a point, thence S89°02'W 156.00 feet to a point, thence N00°17'E 310.00 feet to a point, thence N89°02'E 356.00 feet to the Point of Beginning, containing some 2.535 acres, more or less.

OWNER'S CERTIFICATION AND DEDICATION

I, Hubert Brodell, President, and I, S. J. Bailey, Secretary of Avenir, Inc., an Arkansas Corporation, do hereby certify that Avenir, Inc. is the owner of the above described property, that we have caused same to be subdivided and named Browns Landing Addition, Jonesboro, Arkansas, as shown hereon, and we do hereby dedicate the streets to the use of the general public and we do hereby dedicate the easements shown hereon for the purpose of construction and maintenance of the appropriate utilities.

*Hubert Brodell*  
Hubert Brodell, President

*S. J. Bailey*  
S. J. Bailey, Secretary  
Avenir, Inc.

CERTIFICATE OF SURVEY

I hereby certify that I have this date made a complete survey of the property shown hereon and that all property lines and corner monuments are correctly established to the best of my knowledge and belief.

*Dan B. Mulhollen*  
Dan B. Mulhollen, Land Surveyor # 646 July 31, 1985

State of Arkansas  
County of Craighead

Subscribed and sworn before me this 5th day of August, 1985.

Notary Public *Dana L. Gilbert*  
My commission expires 02-16-88

METROPOLITAN AREA PLANNING COMMISSION  
Jonesboro - Craighead County

PRELIMINARY APPROVAL  
 FINAL APPROVAL  
 AS NOTED  
 DISAPPROVED  
 TABLED

*Thomas M. White* Chairman  
*Rosalie Barber* Secretary  
Date

PRELIMINARY PLAT  
BROWNS LANDING ADDITION  
JONESBORO, ARKANSAS

MULHOLLEN & ASSOCIATES INC.  
CIVIL ENGINEERING SERVICES  
JONESBORO ARKANSAS

DAN B. MULHOLLEN  
REGISTERED  
LAND SURVEYOR  
STATE OF  
ARKANSAS  
NO. 646  
SIGNATURE

FILED FOR RECORD  
This 13 day of Sept 1985  
At 9:30 o'clock A.M.  
P.M. PLACE  
Circuit & Clerks Office  
By Susan Mulgee

BR. 13 PAGE 13



PLANNING & ZONING DEPARTMENT



307 Vine Street  
Jonesboro, AR 72401  
(870) 932-0406 Voice  
(870) 336-3036 Fax  
[www.jonesboro.org](http://www.jonesboro.org)

May 16, 2013

**Haywood, Kenward, Bare and Associates, Inc.**  
1801 Latourette Dr.  
Jonesboro, AR 72404

Re: Abandonment of a portion Avenir Pl. Right of Way

**Dear Mr. Bare,**

The City of Jonesboro Planning Department has received your request to abandon a portion Avenir Pl. Right of Way, as described on the petition and drawings provided by you on behalf of your client.

The Planning Department has no objection to this abandonment request and has determined that it will not cause any noncompliance with the Zoning or Subdivision Regulations.

If you require any additional information, please advise us at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Otis T. Spriggs".

Otis T. Spriggs AICP  
Planning Director, City Jonesboro, AR

---

TO: Honorable Harold Perrin, Mayor, and Members of the City Council of the City of Jonesboro, Arkansas

**PETITION TO ABANDON THAT PART OF THE UNDEVELOPED PORTION OF THE AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141.**

We / I the undersigned, being the owner/s of all property adjoining to the following described Right of way located in the City of Jonesboro, Arkansas, described as follows:

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF AVENIR PLACE; THENCE SOUTH 88°56'56" WEST, ALONG SAID LINE, 106.10 FEET, TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 88°56'56" WEST 80.16 FEET, TO A POINT ON A CURVE TO THE RIGHT; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE, RADIUS 50.00 FEET, A DISTANCE OF 93.00 FEET, TO THE POINT OF BEGINNING PROPER; CONTAINING 0.026 ACRES OR 1126.85 SQUARE FEET; BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have all of the above described Right of way legally abandoned.

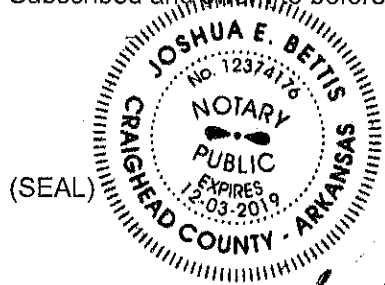
DATED this 28<sup>th</sup> day of August 2012.

PROPERTY OWNER ADDRESS

R.D.& D Investments LLC 1115 Windover Road, Jonesboro, AR 72401

*[Handwritten signatures]*

Subscribed and sworn to before me this 28<sup>th</sup> day of August, 2012



*[Handwritten signature]*  
NOTARY

Expiration date: 12/03/19

**Haywood, Kenward, Bare & Associates, Inc.**

Civil Engineering, Surveying & Planning Services

May 10, 2013

Otis Spriggs AICP, Director of Planning & Zoning  
307 Vine Street  
Jonesboro, AR 72401

RE: Avenir Place

Dear Mr. Spriggs:

The Wrights have been trying to abandon a portion of Avenir Place Cul-De-Sac since 2012; they have fulfilled the requirements of the city's abandonment process as well as the utility providers request. However we have not received a confirmation from Centerpoint Energy.

The Wrights are asking that the requested street abandonment area be retained as a utility easement; this will allow the expansion of their parking lot.

Respectfully,



Terry Bare



Legislation Details (With Text)

**File #:** ORD-13:026    **Version:** 1    **Name:** Rezoning by Kagle and Sharon Huff  
**Type:** Ordinance    **Status:** Third Reading  
**File created:** 6/18/2013    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE FOR PROPERTY LOCATED AT 4021 SOUTHWEST DRIVE AS REQUESTED BY KAGLE & SHARON HUFF  
**Sponsors:**  
**Indexes:** Rezoning  
**Code sections:**  
**Attachments:** [Plat](#)  
[Staff Summary RZ 13-07 Kagle Huff Council](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	City Council		

AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE  
WHEREAS, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST, IN CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, THENCE N00°05'34"W 438.50 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 TO THE POINT OF BEGINNING; CONTINUE THENCE N00°05'34"E 282.60 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER TO A POINT, THENCE N89°54'26"E 1072.51 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SOUTHWEST DRIVE (US HWY 49S), THENCE S19°51'27"W 300.75 FEET ALONG SAID RIGHT OF WAY TO A POINT, THENCE S89° 54'37"W 969.77 FEET TO THE POINT OF BEGINNING, CONTAINING SOME 6.63 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

A request that Chapter 117, known as Zoning Ordinance, be and the same is hereby amended by the change in Zoning District Classification from R-1 Residential to PDM Planned Multiuse, for the following described property:

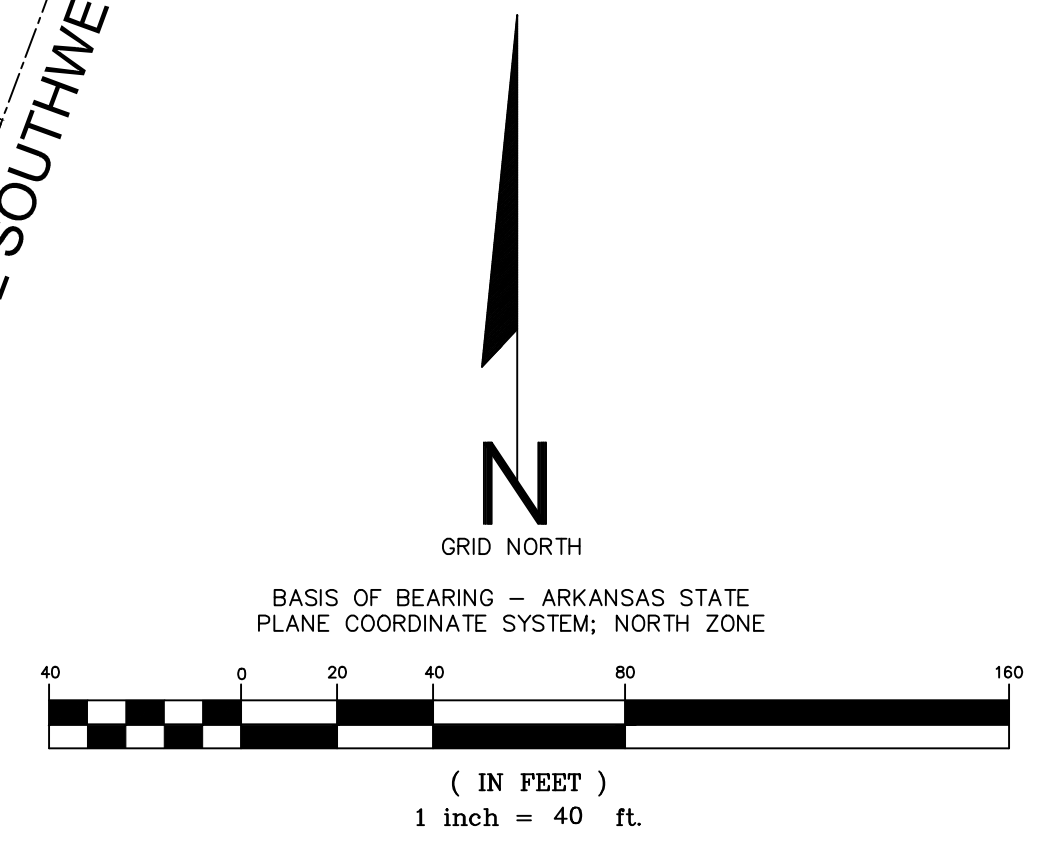
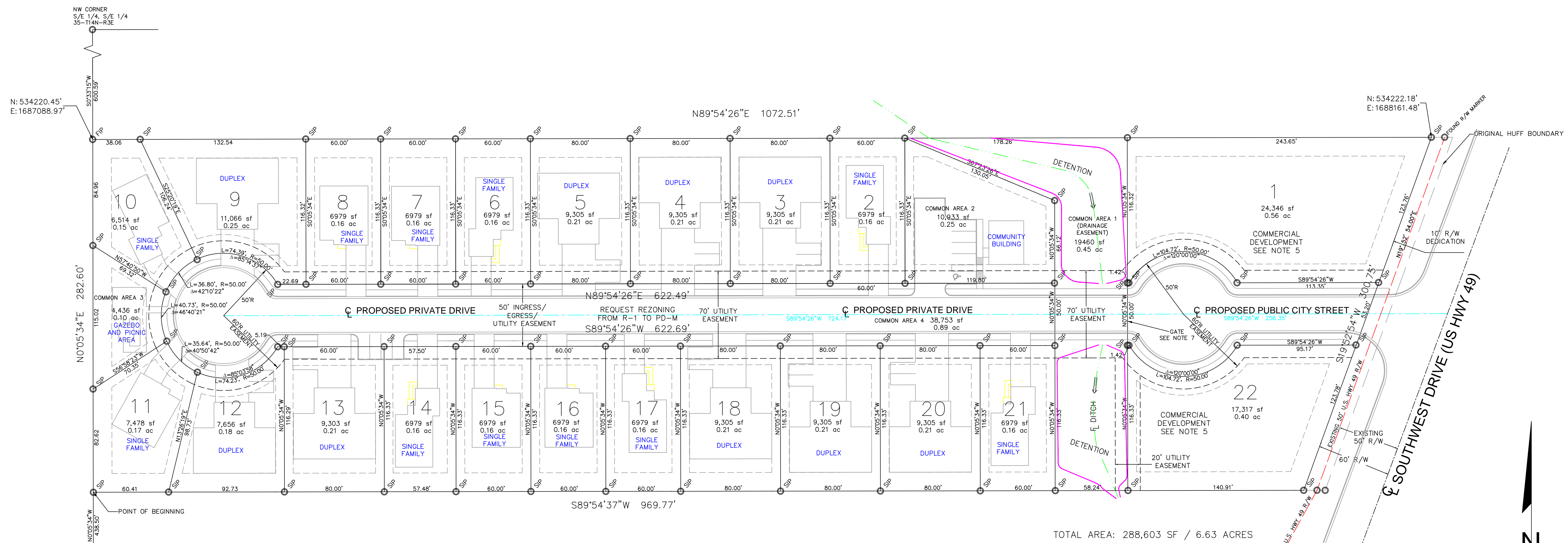
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST; and be restricted by the following conditions:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all



requirements of the current Stormwater Drainage Design Manual.

2. That a "Final Development Plan" be submitted and reviewed by the MAPC prior to any future development of the proposed site. Final Landscaping and signage plans shall be submitted.
3. The applicant shall submit a copy of the Bill of Assurances for the Planning Department files/records before final occupancy assuring that common areas shall be maintained by the property owner's association or owners/assignees.
4. The maximum allowed units shall not exceed 11- Single family homes and 9- duplex buildings.
5. The following list of uses shall be excluded: sexually explicit businesses, shops that specialize in tobacco and/or liquor sales.
6. The gated entrance to the residential development shall be equipped with a Knox box in conformance with the City of Jonesboro Fire Department and E911 division.
7. The applicants/owners should be restricted and prohibited from adding driveways on to Highway 49 S. Access shall be limited to the proposed City Street.
8. Applicant/owners agree to the dedication of required right of way for Hwy. 49 in satisfaction of the Master Street Plan. A final plat depicting such shall be submitted and recorded.
9. Shared or cross/access agreements should be considered at site plan approval for any abutting commercial to the north of south of the development.



**DESCRIPTION**

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST, IN CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, THENCE N00°05'34"W 438.50 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 TO THE POINT OF BEGINNING;  
 CONTINUE THENCE N00°05'34"E 282.60 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER TO A POINT, THENCE N89°54'26"E 1072.51 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SOUTH WEST DRIVE (US HWY 49S), THENCE S19°51'27"W 300.75 FEET ALONG SAID RIGHT OF WAY TO A POINT, THENCE S89°54'37"W 969.77 FEET TO THE POINT OF BEGINNING, CONTAINING SOME 6.63 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

**CERTIFICATION**

I HEREBY CERTIFY THAT McALISTER ENGINEERING HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS AND THAT ALL PROPERTY LINES AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CLARENCE W. McALISTER, PROFESSIONAL SURVEYOR NO. 1303 MAY 17, 2013

**OWNER'S CERTIFICATION**

WE, KAGLE HUFF AND SHARON HUFF, DO HERBY CERTIFY THAT WE ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AND THAT WE HEREBY REQUEST A CHANGE OF ZONING FROM R1 TO PD-M AS SHOWN HEREON, AND HEREBY DEDICATE ADDITIONAL RIGHT OF WAY AND EASEMENTS AS SHOW HEREON FOR THE PERPETUAL USE OF THE PUBLIC.

KAGLE HUFF MAY 17, 2013

SHARON HUFF MAY 17, 2013

**NOTES:**

- PROPERTY OWNER: KAGLE HUFF
- PROPERTY NOT LOCATED IN THE 100 YEAR FLOODPLAIN AS SHOWN BY FLOOD INSURANCE RATE MAP NUMBER 050048 PANEL 150 C DATED SEPTEMBER 27, 1991
- ZONING INFORMATION - CURRENT: RESIDENTIAL ONE (R1), PROPOSED: PLANNED UNITS DEVELOPMENT/MULTI-USE (PD-M)
- BILL OF ASSURANCE TO INCLUDE FORMATION OF PROPERTY OWNER'S ASSOCIATION TO MAINTAIN COMMON AREAS
- COMMERCIAL DEVELOPMENT LIMITED TO BUSINESSES THAT MAINTAIN THE GENERAL CHARACTER OF THE AREA. EXCLUSIONS INCLUDE SEXUALLY EXPLICIT BUSINESSES, SHOPS THAT SPECIALIZE IN TOBACCO AND/OR LIQUOR SALES, ANY ESTABLISHMENT THAT MINORS SHOULDN'T BE SUBJECTED TO, AND ANY DEVELOPMENT THAT THE PROPERTY OWNERS ASSOCIATION SHALL DEEM UNFIT. THERE SHALL BE NO ACCESS TO US HWY 49; ACCESS SHALL BE LIMITED TO PROPOSED PUBLIC CITY STREET AS SHOWN HEREON.
- MINIMUM SETBACK REQUIREMENTS--  
 STREET = 15'  
 REAR = 15'  
 SIDE = 7'
- GATED ENTRANCE TO RESIDENTIAL DEVELOPMENT SHALL BE EQUIPPED WITH KNOX BOX IN CONFORMANCE WITH THE CITY OF JONESBORO FIRE DEPARTMENT, GIVING EMERGENCY RESPONDERS COMPLETE ACCESS TO RESIDENTIAL DEVELOPMENT.

**REFERENCE DOCUMENTS:**

- ABSTRACT AND DESCRIPTION OF PROPERTY; PROVIDED BY CLIENT.
- MEADOW WOOD SUBDIVISION PHASE 1 AS SHOWN ON PLAT RECORDED IN PLAT CABINET C AT PAGE 195 IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.
- GRIFFIN PARK SUBDIVISION PHASE V AS SHOWN ON PLAT RECORDED IN PLAT CABINET C AT PAGE 166 IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.

**LEGEND**

- FOUND IRON PIN (1" PIPE W/ BARE CAP)
- SET IRON PIN (1" PIPE W/ McALISTER #1303 CAP)
- COMPUTED POINT / POINT NOT SET
- SETBACK LINE

**REZONING PLAT -- R1 TO PD-M**

**PLANNED UNIT DEVELOPMENT  
HUFF ADDITION  
JONESBORO, ARKANSAS**

<b>McALISTER ENGINEERING</b> CIVIL ENGINEERING AND LAND SURVEYING 1013 CR 620 JONESBORO, AR 72404 870-931-1420		DRAWN BY: DM	CHECKED BY: CM
CLARENCE W. "MAC" McALISTER, PE, PS		SCALE: 1" = 40'	DATE: 12APR13 FILE: 1352133Huff.dwg
		DWG REF. 03E-14N-35	JOB NO. 1352133 SHEET 2 / 6
		SURVEY #: 500-14N-03E-0-35-220-16-1303	



DATE	REVISION	BY

*City of Jonesboro City Council*  
**Staff Report – RZ 13-07: Kagle Huff Rezoning – 4021 Southwest Drive**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on July 1, 2013*

**REQUEST:** To consider a rezoning of a parcel of land containing 6.63 acres more or less.

**PURPOSE:** A request to consider a recommendation to Council for a rezoning from R-1 Single Family Residential to PD-M – Mixed Use Planned Development District.

**APPLICANT/  
OWNER:** Kagle & Sharon Huff, 2806 Harrisburg Road, Jonesboro, AR 72401

**LOCATION:** 4021 Southwest Drive, south of Keller’s Chapel Road and north of Ozark Drive

**SITE DESCRIPTION:** **Tract Size:** 6.63 acres/ 288,603 sq. ft.  
**Frontage:** 300 ft. on Southwest Drive/Hwy. 49  
**Topography:** Slopes range from 3:1 (33%) to 100:1 (1%). Most of site in the 10:1 – 20:1 (10% - 5%) range.  
**Existing Development:** Residence

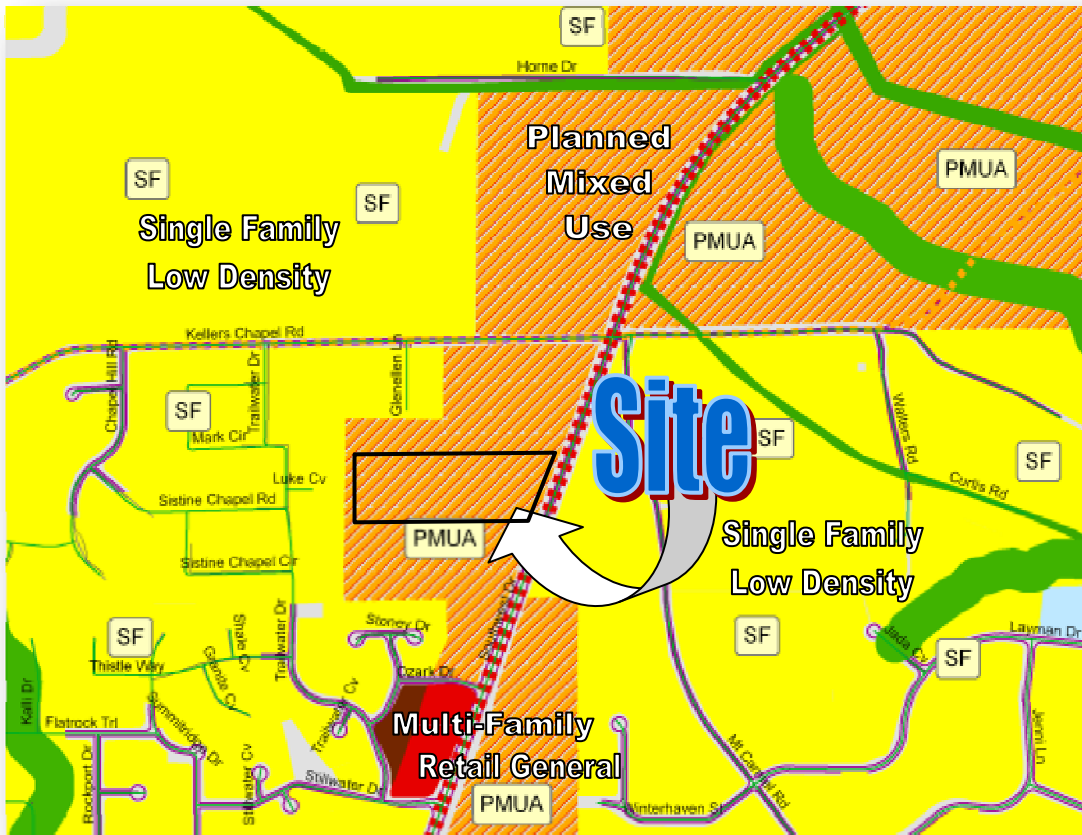
<b>SURROUNDING CONDITIONS:</b>	<u>ZONING</u>	<u>LAND USE</u>
North:	R-1	Residence
South:	R-1 C-3	Unimproved Office Building & Storage Warehouse
East:	R-1 C-3 LUO	Retail Store, Service Repair Garage, Office Building, & Storage Warehouse Unimproved
West:	R-1	Meadow Wood Subdivision
Northwest:	R-1	Unimproved

**HISTORY:** None.

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Current/Future Land Use Map recommends this location as Planned Mixed Use. The proposed rezoning to PD-M – Mixed Use Planned Development District is consistent with the adopted land use map.



**Adopted Land Use Map**

**Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed each and offers explanations and findings as listed in the rezoning checklist below:

<b>Criteria</b>	<b>Consistent (Yes or No)</b>	<b>Explanation</b>
(a) Consistency of the proposal with the Comprehensive Plan	Yes. Plan Update is Pending.	See Land Use Section Above.
(b) Consistency of the proposal with the purpose	Yes.	Meets the criteria for a Mixed Use Planned Development

of the zoning ordinance.		District
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	Yes.	Commercial, single family residential, and multifamily residential uses currently in the vicinity.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Minimal suitability.	Property would yield a maximum of (31) R-1 lots with a cul-de-sac length variance. However, the narrow site and existing topography are restrictive.
(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;	Minimal detrimental effects.	Ingress/egress at Southwest Drive is a concern  Provisions for shared access may be considered with concern to the commercial portion of the development.
(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	N/A	
(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.	With a few exceptions the associated impacts are minimal	Additional multifamily units (duplexes) stretch the limited public safety resources.  Common open space, sidewalks, community building, and picnic/gazebo area is proposed.



*Vicinity/Zoning Map*

**Findings:**

**Master Street Plan/Transportation**

The subject site is served by Southwest Drive, which is on the Master Street Plan is defined as a Principle Arterial. The 60 ft. right of way from the highway centerline as shown on the plat satisfies the Master Street Plan recommendation.

Access management is a concern of staff. The applicants/owners should be restricted and prohibited from adding driveways on to Highway 49 S. Access shall be limited to the proposed City Street. Staff also raises a concern for pull-out traffic on the Hwy. 49S. The applicant should consider adding a turn-lane on the new Public Street to eliminate development congestion during busy hours.

**Ordinance Compliance Review for Proposed Rezoning to PD-M – Mixed Use Planned Development District:**

- (8) dwelling units per residential acre is allowed. (5.39) is proposed.
- 20% of the total development is required to be open space, 25.5% is proposed.
- Building heights:
  - (a) Building A – Single family = 15 ft.
  - (b) Building B – Single family = 17.5 ft.
  - (c) Building C – Duplex = 17 ft.

The minimum requirement of (2) parking spaces per unit is exceeded. (29) residential units and (1) community building requires (30) trees and (90) shrubs. (20) trees and (209) shrubs are proposed. The (20) trees are proposed to be the same species. For each quantity of (10) trees, a differing species is required to be used. Staff is satisfied with the landscape proposal.

The list of permitted uses is proposed in the form of exclusions. “Exclusions include sexually explicit businesses, shops that specialize in tobacco and/or liquor sales, any establishment that minors shouldn’t be subjected to, and any development that the property owners association shall deem unfit.”

The applicants were afforded Conceptual Review for the Planned Development District in the May MAPC meeting. Concerns over the proposed cul-de-sac access has been noted. The applicant has proposed the placement of the commercial businesses in the front and residential in the rear. The developer hopes to market the development towards accessibility to serve the elderly community.

The residential street is designed as a private drive within the Planned Unit Development; while the commercial development is accessed off a proposed public street. The applicant is requesting approval for 11 SF homes and 9 duplexes intermixed with common space areas. The homes will have garages and the duplexes will have carports. A community building has been proposed adjacent to the Commercial uses and a park/gazebo area at very end of the private drive.

The developer has proposed sidewalks within the development.

**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	Received	Voiced concerns over future connectivity.
<b>Streets/Sanitation</b>	Received	Noted no objection
<b>Police</b>	Received	Opposed the rezoning of the property as it applies to the multi-family units (Duplexes). The location of this additional housing will flow traffic onto an area of SW Drive that is currently one of the most congested & dangerous regions of our traffic systems. The additional housing also stretches limited public safety resources and until such a plan is adopted to address increased demand on public safety resources, concern is submitted.
<b>Fire Department</b>	Received	Noted no objection
<b>MPO</b>	Received	Voiced concerns over future connectivity. A separate connection to future or planned roadways should be provided.
<b>Jets</b>	Received	Noted no objection
<b>Utility Companies</b>	Received- CWL	Noted no objection

## **MAPC RECORD OF PROCEEDINGS: Hearing held on June 11, 2013:**

**Applicant:** Josh Hurd, Project Manager for McAlister Engineering and Mr. Hardy Little, Architect presented the case before the Commission.

### **Staff:**

Mr. Spriggs gave Staff Summary comments outlined in the report. This is a Planned District Development for a mixed use petition that was presented to the MAPC as a conceptual review previously. There is a mixture of single family, inclusion of duplexes and commercial to be situated on Highway 49 South.

Consistency is achieved with the adopted Land Use Plan as Planned Mixed Use Area. The Master Street Plan requirements are satisfied. Mr. Spriggs noted comments received from the Police Chief Yates opposing the rezoning of the property as it applies to the multi-family units (Duplexes). Chief Yates noted that the location of this additional housing will flow traffic onto an area of Southwest Drive that is currently one of the most congested & dangerous regions of our traffic systems. The additional housing also stretches limited public safety resources and until such a plan is adopted to address increased demand for public safety resources, concern is submitted. There were no further submitted objections by the other City departments or utility agencies on this proposal.

Mr. Spriggs noted the concerns of staff as it relates to access management. This was originally discussed during the conceptual review state. Mr. Spriggs noted that Staff recommends that the applicant consider restricting access directly on and off of Southwest Drive, but limit access to the City right of way/ public street proposed. This is noted on the plat. Consideration for a turn lane out of the development should be studied. The MPO office submitted comments noting concerns over future connectivity. A separate connection to future or planned roadways should be provided. This was also discussed during the conceptual review. Mr. Hurd stated that the subdivision to the west is already developed and cuts off that possibility. Mr. Spriggs stated that the standards for the units in terms of parking and building setback requirements are listed in the report and should be addressed during the Site Plan approval process. The conditions were read and Mr. Spriggs asked the applicants if they concurred; Mr. Hurd replied yes.

Staff has no other issues with the proposal, and is recommending approval subject to MAPC review of a final Site Plan in the future. Mr. Spriggs also recommended that the applicant considers a cross access agreement with the neighbor to the south to alleviate a bad intersection.

**Public Input:** None Present.

### **Commission Action:**

Motion was made by Mr. Scurlock that Case: RZ-13-07 on the floor for consideration of the recommendation by MAPC to the City Council for the rezoning of this property from "R-1 Single Family Residential to PD-M - Mixed Use Planned Development District", with the staff conditions. MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area. Motion was seconded by Ms. Kim Schantz.

**Roll Call Vote:** Motion passed with a 6-0 vote recommending approval.

Mr. Dover- Aye; Ms. Nix- Aye; Mrs. Shrantz-Aye; Mr. Reece- Aye; Mr. Tomlinson- Aye; Mr. Scurlock- Aye; Mr. Lonnie Roberts- Chair; Absent were Mr. Kelton, Mr. Hoelscher.



**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Kagle and Sharon Huff should be evaluated based on the above observations and criteria, of Case RZ 13-07 noted above, a request to rezone property from “R-1 Single Family Residential to PD-M – Mixed Use Planned Development District”. The following conditions should be applied:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That a “Final Development Plan” be submitted and reviewed by the MAPC prior to any future development of the proposed site. Final Landscaping and signage plans shall be submitted.
3. The applicant shall submit a copy of the Bill of Assurances for the Planning Department files/records before final occupancy assuring that common areas shall be maintained by the property owner’s association or owners/assignees.
4. The maximum allowed units shall not exceed 11- Single family homes and 9- duplex buildings.
5. The following list of uses shall be excluded: sexually explicit businesses, shops that specialize in tobacco and/or liquor sales.
6. The gated entrance to the residential development shall be equipped with a Knox box in conformance with the City of Jonesboro Fire Department and E911 division.
7. The applicants/owners should be restricted and prohibited from adding driveways on to Highway 49 S. Access shall be limited to the proposed City Street.
8. Applicant/owners agree to the dedication of required right of way for Hwy. 49 in satisfaction of the Master Street Plan. A final plat depicting such shall be submitted and recorded.
9. Shared or cross/access agreements should be considered at site plan approval for any abutting commercial to the north of south of the development.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



Existing residence on site.



View from eastern portion of site looking west.



View from western portion of site looking east.



View of southern property boundary looking east.



View of northern property boundary looking east.



R-1 property located east of site. Jack's Treasures Flea Market, The Treasure Hunt Flea Market, and a body shop to the rear.



Undeveloped C-3 LUO property located east of site.



Residence on adjoining R-1 property located north of site.



Outbuildings located behind residence on adjoining R-1 property located north of site.



View looking west toward Meadow Wood Subdivision located west of site.



Western property boundary of site from Meadow Wood Subdivision located west of site.



Adjoining C-3 property located south of site. NEA Batteries and McKisson Rentals.



Legislation Details (With Text)

**File #:** ORD-13:028    **Version:** 1    **Name:** Rezoning by Love's Travel Stop  
**Type:** Ordinance    **Status:** Third Reading  
**File created:** 6/21/2013    **In control:** City Council  
**On agenda:**    **Final action:**

**Title:** AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-C FOR PROPERTY LOCATED ON THE EAST SIDE OF US 63, EXIT 40 BETWEEN WEST PARKER ROAD AND INGELS ROAD AS REQUESTED BY LOVE'S TRAVEL STOP

**Sponsors:**

**Indexes:** Rezoning

**Code sections:**

**Attachments:** [Plat](#)  
[Traffic Engineer Recommendations](#)  
[Staff Summary RZ 13-06Loves Rezoning COUNCIL](#)

Date	Ver.	Action By	Action	Result
7/2/2013	1	City Council		

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION I: CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM (R-1) SINGLE FAMILY MEDIUM DENSITY DISTRICT TO (PD-C) PLANNED DEVELOPMENT DISTRICT - COMMERCIAL, FOR THE FOLLOWING DESCRIBED PROPERTY:

(R-1 to PD-C):

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 01°08'13" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, 1311.80 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89°22'44" WEST, ALONG SAID SOUTH LINE, 998.41 FEET TO THE CENTER LINE OF WHITEMANS CREEK; THENCE ALONG SAID CENTER LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 01°12'23" EAST, 1650.88 FEET; NORTH 04°58'22" EAST, 218.21 FEET; NORTH 21°15'10" WEST, 91.80 FEET; THENCE NORTH 49°04'52" WEST, 110.53 FEET TO THE



SOUTHERLY RIGHT-OF-WAY LINE OF PARKER ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 85°07'15" EAST, 151.51 FEET; NORTH 70°06'15" EAST, 213.70 FEET; NORTH 58°49'15" EAST, 244.39 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS HIGHWAY NO. 463; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 49°30'14" EAST, 175.21 FEET; SOUTH 45°02'06" EAST, 541.55 FEET; THENCE SOUTH 44°31'11" EAST, 25.76 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 01°08'13" WEST, ALONG SAID EAST LINE, 400.87 FEET TO THE POINT OF BEGINNING, CONTAINING 46.79 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SECTION II: THE REQUESTED REZONING CLASSIFICATION IS PD-C AND IS FURTHER RESTRICTED AS FOLLOWS:

1. A FINAL DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED BY THE MAPC AND SHALL INCLUDE FINAL DETAILS ON DRAINAGE, GRADING, ACCESS MANAGEMENT, SIGNAGE, LIGHTING PHOTOMETRICS, LANDSCAPING AND ALL SITE IMPROVEMENTS.
2. PARKING LOT CALCULATIONS SHALL MEET THE MINIMUM REQUIREMENTS OF THE C-3 COMMERCIAL DISTRICT STANDARDS.

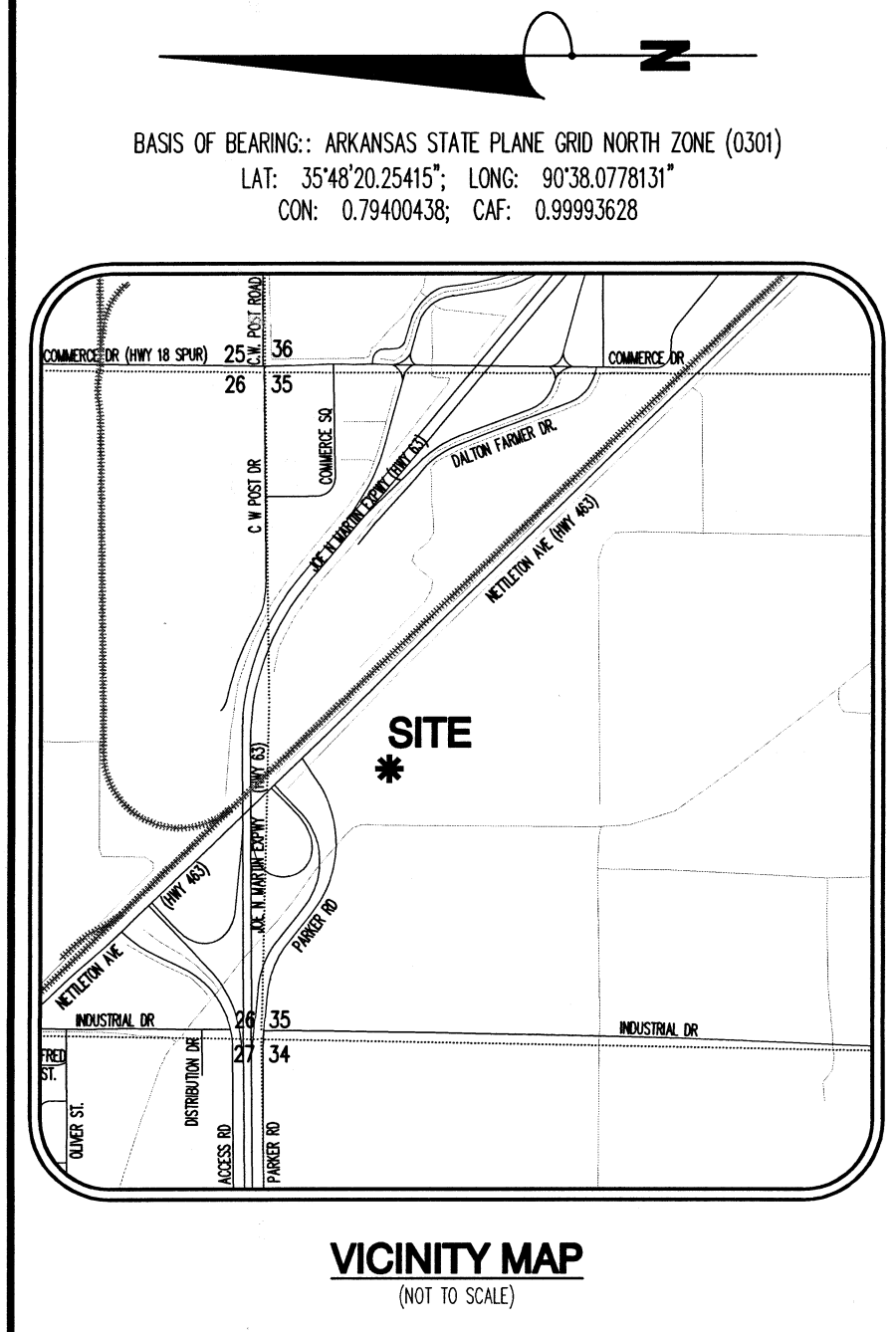
SECTION III: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, INsofar AS IT RELATES TO THE LANDS DESCRIBED HEREINABOVE SO THAT THE ZONING CLASSIFICATION OF SAID LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.

**CERTIFICATE OF SURVEY:**  
THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE AND ASSOCIATES INC., PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED THE FOLLOWING PARCELS OF LAND:  
A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 01°08'13" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, 1311.80 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89°22'44" WEST, ALONG SAID SOUTH LINE, 998.41 FEET TO THE CENTER LINE OF WHITEMANS CREEK; THENCE ALONG SAID CENTER LINE OF WHITEMANS CREEK, THE FOLLOWING COURSES AND DISTANCES: NORTH 01°22'23" EAST, 1650.88 FEET; NORTH 04°58'22" EAST, 218.21 FEET; NORTH 21°15'10" WEST, 91.80 FEET; THENCE NORTH 49°04'52" WEST, 110.53 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PARKER ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 85°07'15" EAST, 151.51 FEET; NORTH 70°06'15" EAST, 213.70 FEET; NORTH 58°49'15" EAST, 244.39 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS HIGHWAY NO. 463; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 49°30'14" EAST, 175.21 FEET; SOUTH 45°02'06" EAST, 541.55 FEET; THENCE SOUTH 44°31'11" EAST, 25.76 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 01°08'13" WEST, ALONG SAID EAST LINE, 400.87 FEET TO THE POINT OF BEGINNING, CONTAINING 46.79 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

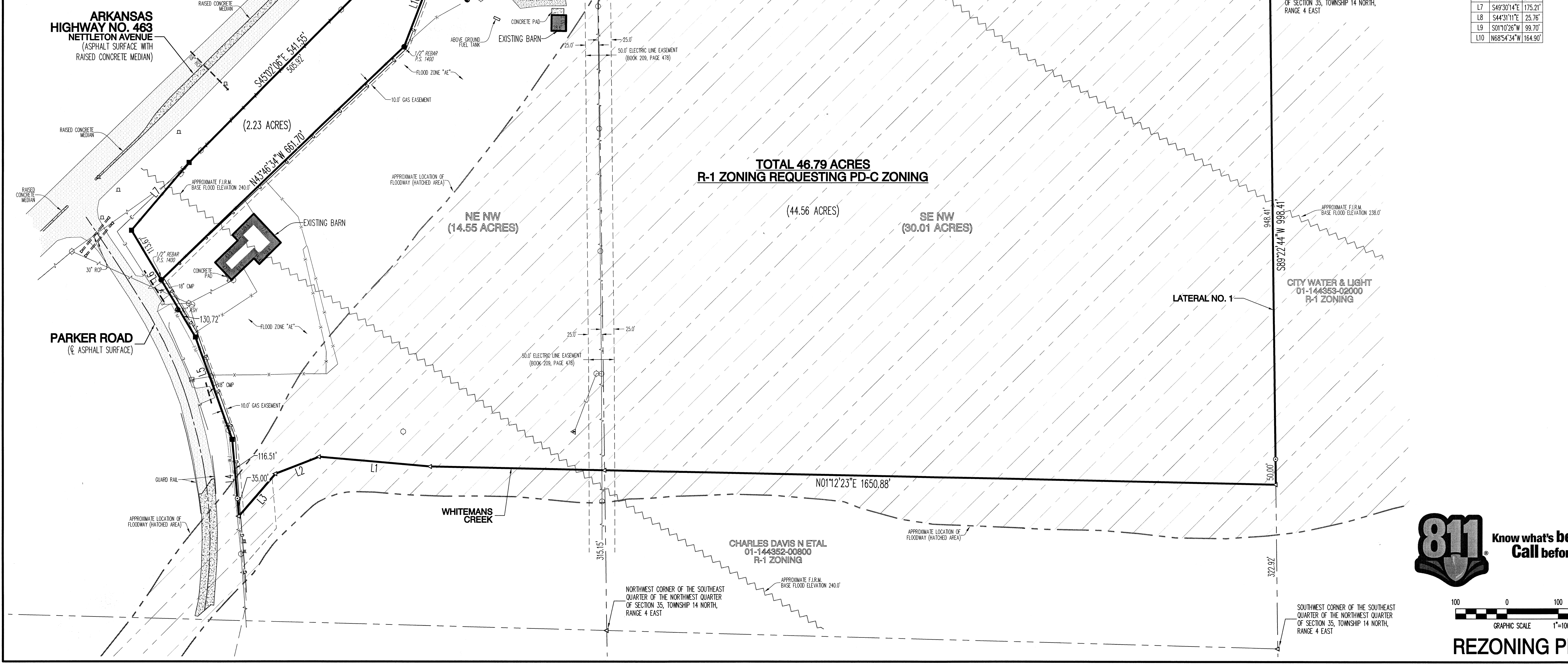
**OWNERS CERTIFICATION:**  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND I HEREBY REQUEST A REZONING FROM (R-1) SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO (PD-C) COMMERCIAL BUSINESS PLANNED DEVELOPMENT.

SIGNED THIS 5th DAY OF JUNE 2013  
BY CHARLEY DAVIS, OWNER  
BY MIKE WEANER, OFFICER - LIBERTY BANK OF ARKANSAS

- SURVEYOR'S NOTES:**
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
  - BASIS OF BEARINGS: ARKANSAS STATE PLANE GRID NORTH ZONE (0301)
  - THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS SURVEY:
    - PLAT OF SURVEY, BY ROBERT W. NEWELL, P.S. 23, RECORDED IN BOOK H, PAGE 74, DATED DECEMBER 15, 1989.
    - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK H, PAGE 74, DATED JANUARY 4, 1990.
    - PLAT OF SURVEY, BY BRADLEY P. HANCOCK, P.S. 1400, RECORDED IN BOOK I, PAGE 156, DATED NOVEMBER 10, 2004.
    - A.H.T.D. RIGHT-OF-WAY MAP, JOB NO. 100013.
    - A.H.T.D. RIGHT-OF-WAY MAP, JOB NO. R00019.
  - THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR SPECIAL FLOOD HAZARD AND THE FLOODWAY, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAPS: PANEL NO. 0503100101C, EFFECTIVE DATE SEPTEMBER 27, 1991 AND PANEL NO. 0503100153C, EFFECTIVE DATE SEPTEMBER 27, 1991.
  - THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED BY FIELD MEASUREMENTS AND EXISTING UTILITY MAPS. HAYWOOD, KENWARD, BARE & ASSOCIATES INC. MAKE NO WARRANTY TO THE EXACT LOCATION OF THE UTILITIES SHOWN OR NOT SHOWN ON THIS DRAWING; IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION. CALL 811 BEFORE YOU DIG!
  - ARKANSAS ONE-CALL TICKET NUMBER: 130214-0261
  - SUBJECT PROPERTY IS ZONED R-1, SINGLE-FAMILY, MEDIUM DENSITY DISTRICT.
  - BUILDING RESTRICTIONS FOR R-1 ZONING:
    - STREET SETBACK - 25'
    - INTERIOR SIDE SETBACK - 7.5'
    - REAR SETBACK - 25'
    - MAXIMUM LOT COVERAGE - 35%
    - MAXIMUM HEIGHT LIMITATION - 35'
    - MAXIMUM FLOOR AREA - NO STANDARD
  - FIELD NOTES ARE RECORDED IN HKB FIELD BOOK 1142, PAGES 65-68.
  - FIELD WORK WAS COMPLETED ON MARCH 5, 2013.



- LEGEND:**
- FOUND MONUMENT (AS NOTED)
  - SET 5/8" REBAR W/ BLUE PLASTIC CAP STAMPED "J. BEARD P.S. 1691" (OR AS NOTED)
  - A.H.T.D. RIGHT-OF-WAY MONUMENT
  - COMPUTED POINT (NOT MONUMENTED)
  - SITE BENCHMARK
  - CONTROL POINT
  - UTILITY POLE
  - LIGHT POLE
  - ELECTRIC BOX
  - GUY WIRE
  - AG WELL
  - TELEPHONE PEDESTAL
  - TELECOMMUNICATIONS BOX
  - BURIED CABLE SIGN
  - BURIED GAS SIGN
  - ROAD SIGN
  - TREE (AS NOTED)
  - OVERHEAD ELECTRIC LINE
  - UNDERGROUND ELECTRIC LINE
  - SANITARY SEWER FORCE MAIN
  - TELECOMMUNICATIONS LINE
  - GAS LINE
  - CHAIN LINK FENCE LINE
  - BARBED WIRE FENCE LINE



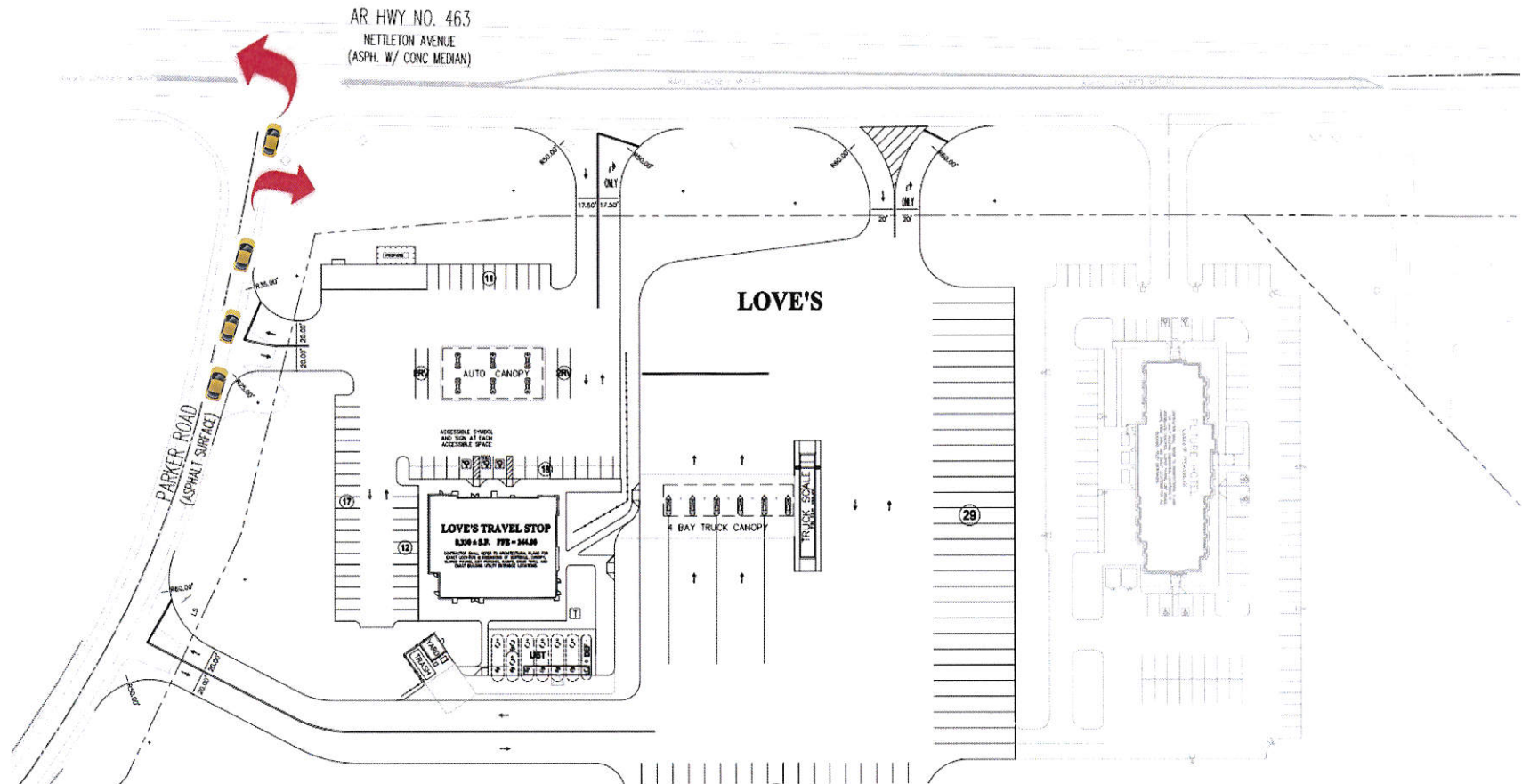
**LINE TABLE:**

LINE #	DIRECTION	LENGTH
L1	N04°58'22"E	218.21'
L2	N21°15'10"W	91.80'
L3	N49°04'52"W	110.53'
L4	N85°07'15"E	151.51'
L5	N70°06'15"E	213.70'
L6	N58°49'15"E	244.39'
L7	S49°30'14"E	175.21'
L8	S44°31'11"E	25.76'
L9	S01°10'26"W	99.70'
L10	N68°54'34"W	164.90'

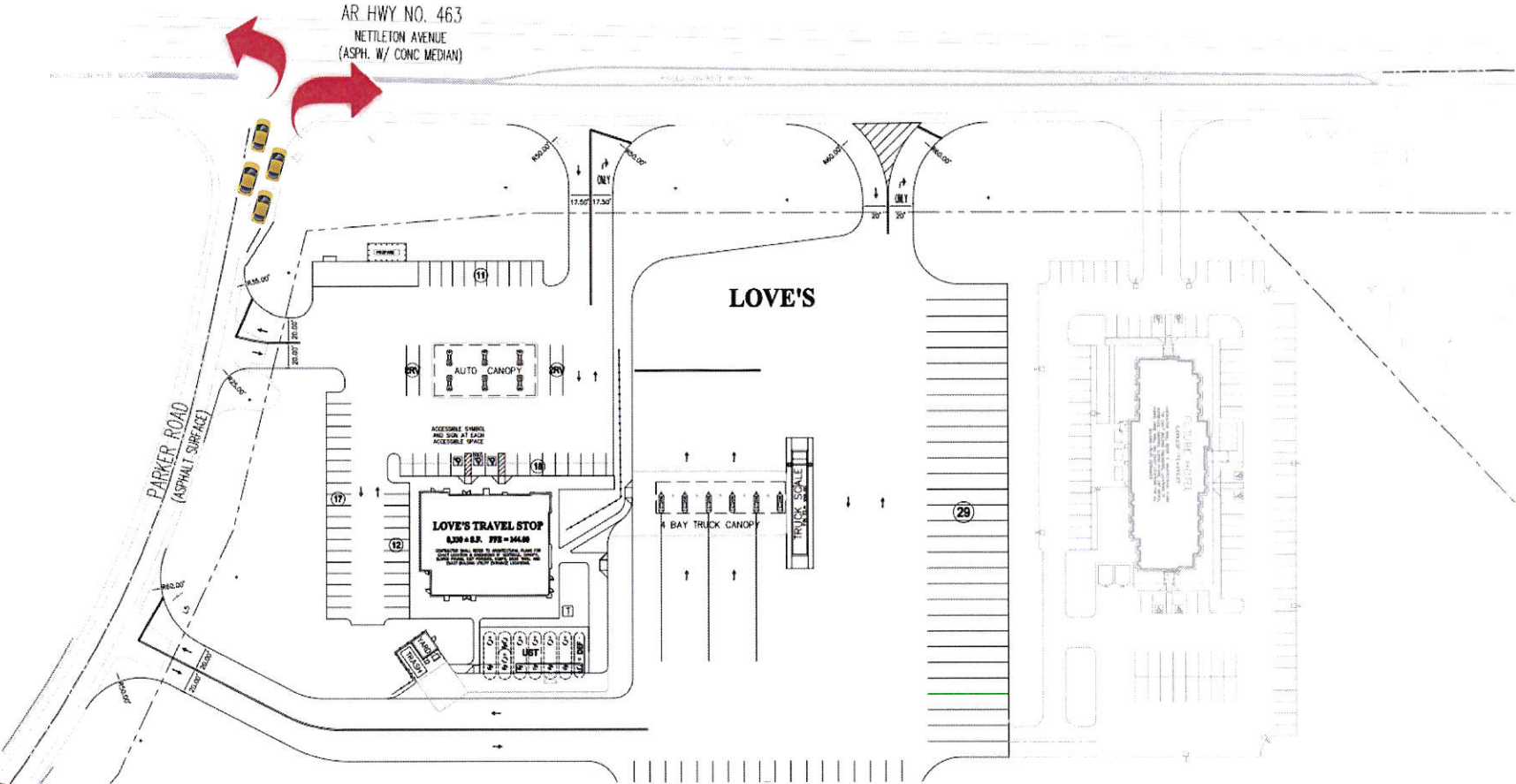
REZONING PLAT

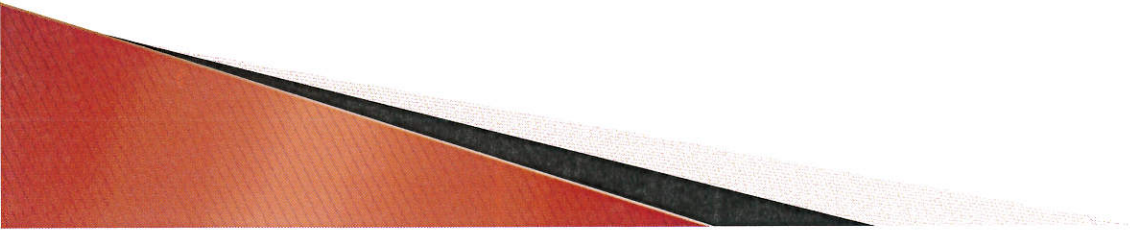
1"=100'

# No Right Turn Lane



# With Right Turn Lane







*City of Jonesboro City Council*  
**Staff Report – RZ 13-06: Loves Travel Stop- Hwy. 463**  
Huntington Building - 900 W. Monroe  
*For Consideration by the Council on July 1, 2013*

**REQUEST:** To consider a rezoning of a parcel of land containing 46.79 acres more or less.

**PURPOSE:** The applicant requests MAPC approval of a rezoning from R-1 Single Family to PD-C, Planned Development District- Commercial.

**APPLICANT/** Rick Shuffield of Resource Consulting Civil Engineering on behalf of Loves Travel  
**Stop**

**OWNER:** Charles Davis, Owner, Jonesboro, AR 72401

**LOCATION:** East side of US 63, Exit 40 @ Hwy. 463, between W. Parker and Ingels Road.

**SITE** **DESCRIPTION:** **Tract Size:** 46.79 acres  
**Frontage:** Approx. 910 ft. on Hwy. 463/East Nettleton Ave.  
Approx. 500 ft. on Parker Road  
**Topography:** Predominately flat.  
**Existing Development:** Agricultural Vacant Residential/Pasturing Lands

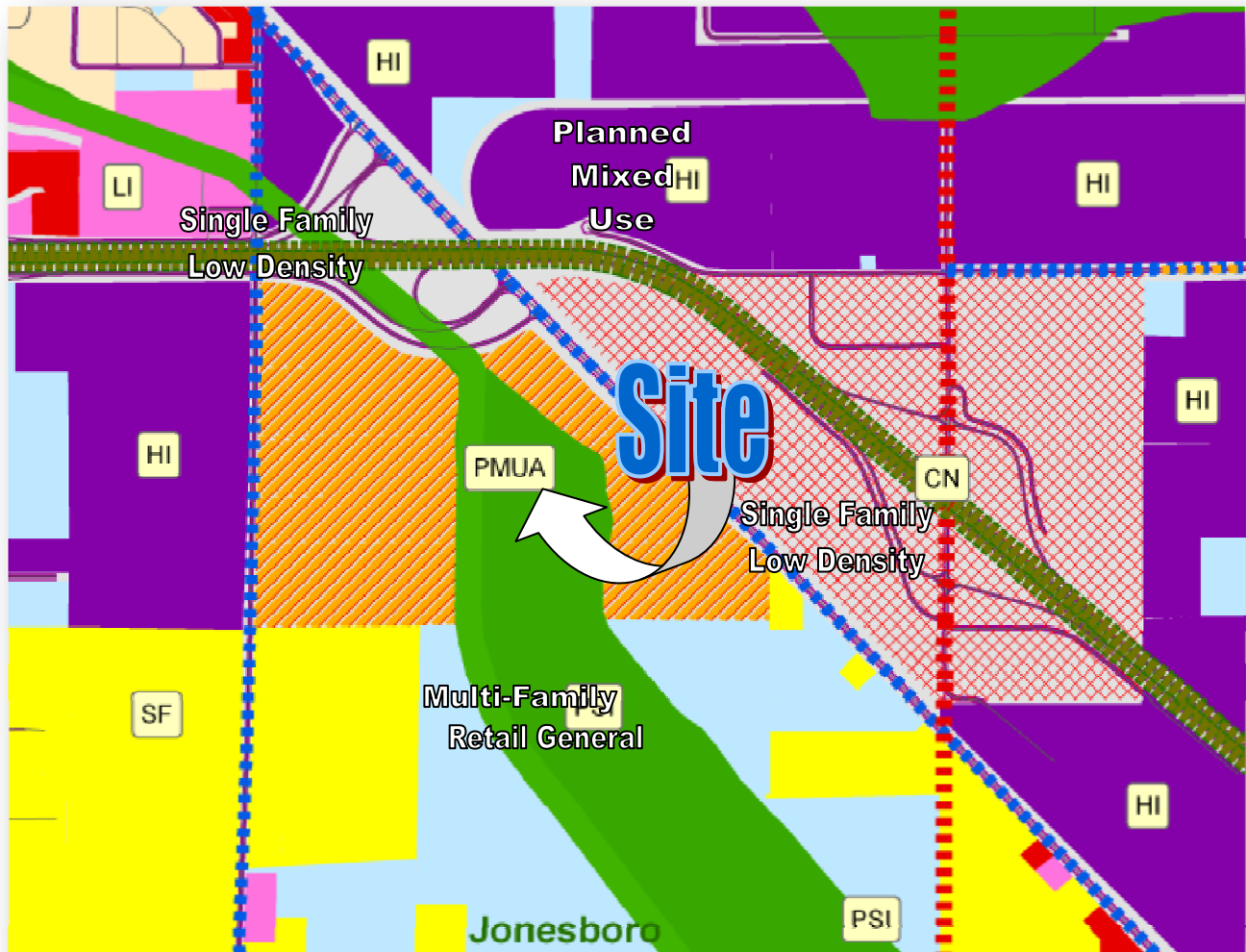
<b>SURROUNDING</b>	<u>ZONING</u>	<u>LAND USE</u>
<b>CONDITIONS:</b> North:	I-1	Industrial/I-63/Parker Road
South:	R-1	Agriculture/Gas Utility
East:	R-1,	Agriculture, Residential
	C-3	Auctioneer Business, Gas Utility
West:	I-1	Building specialties office & storage warehouse
	C-3	Agriculture
	R-1	Agriculture
Northwest:	R-1	Unimproved

**HISTORY:** None.

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Current/Future Land Use Map recommends this location as Planned Mixed Use. The proposed rezoning to PD-M – Mixed Use Planned Development District is consistent with the adopted land use map.



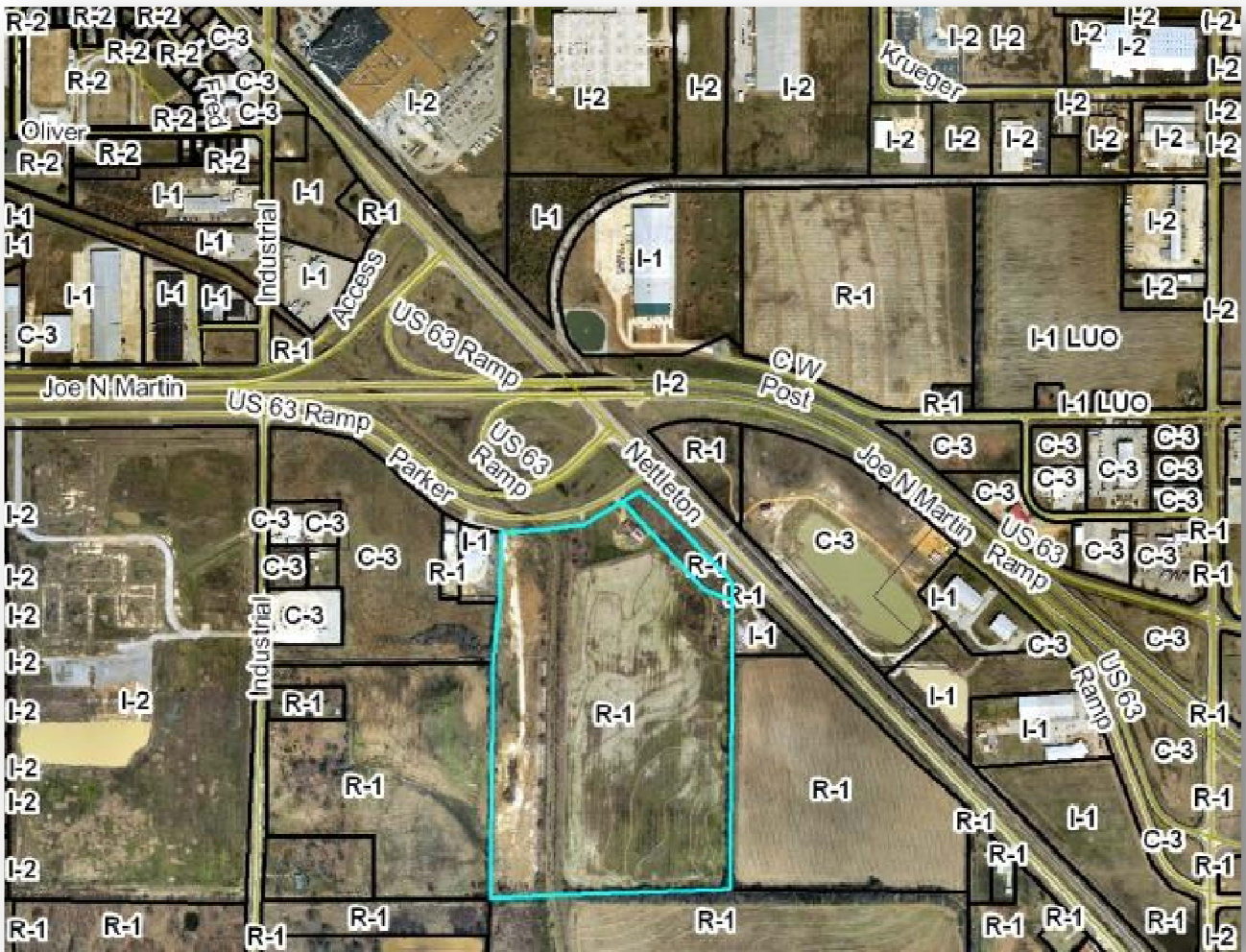
**Adopted Land Use Map**

**Approval Criteria Checklist- Section 117-34- 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 list. Staff has reviewed each and offers explanations and findings as listed in the rezoning checklist below:

<b>Criteria</b>	<b>Consistent (Yes or No)</b>	<b>Explanation</b>
(a) Consistency of the proposal with the Comprehensive Plan	Yes. Plan Update is Pending.	See Land Use Section Above.
(b) Consistency of the proposal with the purpose of the zoning ordinance.	Yes.	Meets the criteria for a Mixed Use Planned Development District
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;	Yes.	Commercial, single family residential, and multifamily residential uses currently in the vicinity.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Minimal suitability.	Property would yield a maximum of (31) R-1 lots with a cul-de-sac length variance. However, the narrow site and existing topography are restrictive.
(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;	Minimal detrimental effects.	Ingress/egress at Southwest Drive is a concern  Provisions for shared access may be considered with concern to the commercial portion of the development.
(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	N/A	
(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.	With a few exceptions the associated impacts are minimal	Additional multifamily units (duplexes) stretch the limited public safety resources.  Common open space, sidewalks, community building, and picnic/gazebo area is proposed.





**Vicinity/Zoning Map**

**Findings:**

**Master Street Plan/Transportation**

The subject site is served by Hwy. 463/ East Nettleton Ave. and West Parker Road, which on the Master Street Plan are defined as a Minor Arterial and Local respectively. Both street right-of-ways satisfy the Master Street Plan recommendation as illustrated on the Plat.

**Zoning Code Compliance Review:**

The applicant has proposed a rezoning from R-1 Single Family Residential to a C-3 General Commercial District with no special use or planned development district tools applied in this petition. All allowable uses listed under Chapter 117, C-3 General Commercial could potentially apply here. However, as customary, the Planning Commission may wish to request that a Final Site Plan be subject to MAPC approval at such time the property should redevelop. All other uses stipulated as allowable or as conditional use will apply to this proposed rezoning petition.

**Ordinance Compliance Review for Proposed Rezoning to PD-M – Mixed Use Planned Development District:**

Per Chapter 117-324, **Parking Requirements** are as follows:

<b>Hotel or motel</b>	<b>1 per guest room, plus 1 per 10 guest rooms</b>
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Library	1 per 500 square feet
Medical service	6 per doctor or dentist
Museum	1 per 500 square feet
Office, general	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet
Recreational vehicle park	1 per camping space
<b>Restaurant, fast-food</b>	<b>1 per 75 square feet of customer service/dining area</b>
Restaurant, general	1 per 150 square feet for first 2,500 square feet, plus 1 per 100 square feet over 2,500 square feet
<b>Retail/service, general</b>	<b>1 per 250 square feet</b>
Retail/service, furniture and bulky items	Spaces to be provided pursuant to schedule B
School, nursery, elementary and middle	1 per staff and employee, plus 1 space per classroom
School, high	1 for each 3 students, plus 1.5 per classroom
<b>Service station</b>	<b>2 per service bay, plus 1 per pump</b>
Vehicle and equipment sales	Spaces to be provided pursuant to schedule B

The application was submitted under the provisions of the Planned District Development requirements. The required 15% open space needs to be delineated on the plan. Perhaps an outdoor relaxation or rest area can be implemented on the site plan. The applicant petitioned for this change to allow the proposed development to be permitted because the current R-1 zoning will not allow for the proposed development. They desire to develop a Love’s Travel Stop and possible future hotel site as depicted on the Preliminary Development Plan. The site will be developed by building a Love’s Travel Stop and Country Store, including a 10,000±SF Retail Sales/Fast Food Restaurant. The applicant has described Love’s as a ‘retail’ facility that will maintain an attractive commercial appearance with 24 hour operation to serve the general public.

The proposed development would result in having utilities brought to the site, as mentioned before, increasing the ability to develop the area. Also, because the current site is in a floodway, the required improvements to the adjacent creek would improve drainage of the site without impacting neighboring sites.

**Access/Transportation:**

Driveways will be reviewed and permitted by AHTD to best manage the ingress and egress of both automobiles and commercial trucks visiting this facility. However City Staff has reviewed the access management dynamics of the site and offer a few suggestions and recommendations. Please see attached memo from the Metropolitan Planning Office.

Highway 463 currently has a raised median which controls onsite access to this development, and causes a right in right out only along the street frontage (Hwy. 463). Staff recommends that this arrangement remains as designed. Staff also advises that the MAPC requests developer consideration for a turn-lane at the intersection of Parker Rd. & Hwy. 463/E. Nettleton Ave., eastbound.

The applicant has noted cross access to the gas propane utility to the south. This access easement should be platted and recorded. The joint/cross access to the hotel should be clarified and made complete.

**On-premise Signage:**

The applicant proposes typical onsite commercial signs, which all appear to satisfy the current code.

A major interstate high-rise sign which they are requesting a height to exceed the required 75 ft. maximum, because of a recent signage sight study which justified the need. The applicant proposes 100 ft., which requires a variance of 25 ft.

**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	Received	Voiced concerns over future access connectivity.
<b>Streets/Sanitation</b>	Received	Noted no objection
<b>Police</b>		No objections noted
<b>Fire Department</b>	Received	Noted no objection
<b>MPO</b>	Received	Voiced concerns over future access connectivity. (1) Removing or reconfiguring the median on AR 463. (2) Improving the connectivity between the travel stop and the hotel. (3) Relocating the Parker Road entrance to the travel stop. (4) Adding a right-turn lane at the intersection of Parker Road and AR 463. (5) Extending both southbound lanes beyond the developed frontage.
<b>Jets</b>	Received	Noted no objection
<b>Utility Companies</b>	Received- CWL	Noted no objection

**MAPC RECORD OF PROCEEDINGS: Public Hearing held June 11, 2013**

**Applicants:**

**Mr. John ‘Trey’ Savoie, PE., Resource Consultants**, appeared before the Commission stating that he is the engineer doing the site design. **Mr. Steve Walters with Loves** stated that he is standing in for Rick Sheffield; and **Mr. Terry Bare, HKB**, appeared as the local assistant working on the project.

**Staff:**

Mr. Spriggs presented the summary of the Staff Report. Mr. Spriggs stated that staff met with the project team who expressed their hopes of including such uses as the truck stop, convenience store, restaurant, fueling station and the future hotel use. We advised the team that the best approach would be the Planned Unit- Mixed Use Development approach, which will accommodate the range of uses. This will also allow us to deal with the challenges from a long range planning perspective. The proposal is consistent with the adopted Land Use Map for the *Planned Mixed Use Employment Area* category.

**Master Street Plan/Land Use Plan Consistency:**

In terms of the Master Street Plan, the Preliminary Plan and Plat do meet the proposed right of way requirements along Hwy. 463, as an arterial, as well as Parker Rd. as a local road right-of-way.

Mr. Spriggs noted that staff met with the utility agencies and other departments in the Predevelopment Meeting and had an opportunity to discuss the various issues of site development as it relates to access management. We have listed the minimum requirements for parking and site design within the Staff Report.

**Open Space:**

Mr. Spriggs mentioned the 15 % open space requirement as part of the Planned District; suggestions were given on possibly providing a park-like resting area for the patrons, or open space provisions that could utilize the natural areas.

**Departmental Reviews:**

**Mr. Spriggs** summarized comments that were received from Engineering, MPO, Jets, etc.

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the proposed site.
3. The applicant agrees to comply with the Master Street Plan recommendations for the East Parker Rd. and Hwy. 463 right-of-way(s).
4. The applicant shall submit a Final Development Plan addressing the recommendations of the Metropolitan Planning Organization:
  - Reconfiguring the median on AR 463 should not occur
  - Improve the connectivity between the travel stop and the hotel.
  - Relocating the Parker Road entrance to the travel stop.
  - Adding a right-turn lane at the intersection of Parker Road and AR 463.
  - Extending both southbound lanes beyond the developed frontage.

**Traffic/ Access Management Discussion:**

**Mr. Spriggs** introduced Mark Nichols, Traffic Engineer for the City.

**Mr. Terry Bare:** We have presented a rezoning only. We are still working and negotiating with the Highway Department concerning the question of controlled access and the median on Hwy. 463. They will submit a site plan. This is only a preliminary concept.

**Mr. Mark Nichols** noted that Staff appreciates that. Our intent is only to bring up these issues to your attention, as soon as possible for consideration. Prepared diagrams were shown by Mr. Nichols: Most of the traffic will be wanting to take a left-turn from Parker Rd. on to Hwy. 463. A single left-turn vehicle blocks all the right-turn traffic. It would be beneficial to have a designated right turn-lane and to have the driveway a little further from the intersection. As Otis Spriggs noted, some type of shared access between the hotel use and the truck stop would be beneficial to avoid having to go back out on Hwy. 463 to shop or eat at the retail use. Illustrations/diagrams were shown.

**Mr. Reece:** Asked if all of these issues will be worked out, during the site plan review stage?

**Mr. Spriggs:** That is correct. Mark Nichols makes a good point that we would like to get these issues recognized early in the process. The MAPC has the ability within the Planned District process to negotiate some of these issues. Now that we have a traffic engineer on staff, it saves us a lot of time determining that a traffic study might not have to be performed in large developments like this; in which we could recommend one be done. However, the last condition notes that we would like to see consideration made on these items.

**Mr. Reece:** Fact is- this is a rezoning and not a site plan and we do not want to design the plan. Is that correct?

**Mr. Spriggs:** The idea is not to design the site plan. All of these are legitimate concerns that need to be forwarded to City Council in order to make an informed decision.

**Mr. Reece:** I think that the best use for the property is commercial.

**Mr. Spriggs:** We do not disagree with that at all.

**Action:**

**Mr. Reece:** Made a motion to approve the rezoning and recommend it to City Council with the stipulations that all of the Site Plan development conditions. Motion was seconded by Mr. Scurlock.

**Mr. Terry Bare:** We do not have a problem with the recommendations. As far as meeting all of those stipulations and meeting them, because the site plan that you see attached is not the site plan that we will be working with because the Highway Department is reviewing the request.

**Public Input:** None present.

**Roll Call Vote:** Motion passed with a 6-0 vote recommending approval.

Mr. Dover- Aye; Ms. Nix- Aye; Mrs. Shrantz-Aye; Mr. Reece- Aye; Mr. Tomlinson- Aye; Mr. Scurlock- Aye; Mr. Lonnie Roberts- Chair; Absent were Mr. Kelton, Mr. Hoelscher.

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**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Loves Travel Stop should be evaluated based on the above observations and criteria, of Case RZ 13-06 noted above, a request to rezone property from R-1 Single Family to PD-C, Planned Development District-Commercial. The following conditions apply:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the proposed site.
3. The applicant agrees to comply with the Master Street Plan recommendations for the East Parker Rd. and Hwy. 463 right-of-way(s).
4. The applicant shall submit a Final Development Plan addressing the recommendations of the Metropolitan Planning Organization:
  - Reconfiguring the median on AR 463 should not occur
  - Improve the connectivity between the travel stop and the hotel.
  - Relocating the Parker Road entrance to the travel stop.
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  - Extending both southbound lanes beyond the developed frontage.



Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



View from Parker Road looking on site



View of S&S Door Company looking west along Parker Rd. /Site on Left



View looking South on site from Parker Road



View looking North On Hwy. 463 along Property Frontage from existing drive access.



View looking west toward Site



R-1 property located east of site. Jack's Treasures Flea Market, The Treasure Hunt Flea Market, and a body shop to the rear.





View looking North towards I-63 / I-463 Interchange



View looking South along I-463, Site on right



View from uses south of the site along Hwy. 463



View from uses south of the site along Hwy. 463



View looking northeast at Gas Utility, south of the site along Hwy. 463