



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Council Agenda City Council

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Tuesday, March 15, 2011

6:30 PM

Huntington Building

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### NOMINATING & RULES COMMITTEE MEETING AT 6:15 P.M.

*City Council Chambers, Huntington Building*

#### 1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

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

#### 4. SPECIAL PRESENTATIONS

[COM-11:016](#) Presentation of Mayor's Citation

**Sponsors:** Mayor's Office

[COM-11:017](#) Presentation by Wendy Stotts of the Auditorium Commission

**Sponsors:** Mayor's Office

#### 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-11:019](#) Minutes for the City Council meeting on March 1, 2011.

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

[RES-11:014](#) A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR FOX MEADOW CHASE, A COMMERCIAL SUBDIVISION

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)

**Legislative History**

3/1/11	Public Works Council Committee	Recommended to Council
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[RES-11:015](#) A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR RITTER CENTRE, A COMMERCIAL SUBDIVISION

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)

**Legislative History**

3/1/11 Public Works Council Recommended to Council  
Committee

**RES-11:016** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR THE VILLAS ON JOHNSON AVE., A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)

**Legislative History**

3/1/11 Public Works Council Recommended to Council  
Committee

**RES-11:026** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR LOT 51 - 55 SAGE MEADOWS PHASE II-C, A RESIDENTIAL SUBDIVISION

**Sponsors:** Engineering

**Attachments:** [Plat.pdf](#)  
[Maintenance Agreement.pdf](#)

**Legislative History**

3/1/11 Public Works Council Recommended to Council  
Committee

## **6. NEW BUSINESS**

### *ORDINANCES ON FIRST READING*

**ORD-11:023** AN ORDINANCE TO AMEND THE 2011 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A SOFTBALL COORDINATOR TO THE PARKS AND RECREATION DEPARTMENT

**Sponsors:** Parks & Recreation and Finance

**Attachments:** [Softball Coordinator - 28736](#)

*Emergency clause*

**Legislative History**

3/8/11 Finance & Administration Recommended to Council  
Council Committee

**ORD-11:024** AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-6 LUO FOR PROPERTY LOCATED AT 2225 & 2227 BELT STREET AS REQUESTED BY YUNGHO OUYANG

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

**ORD-11:025** 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-RM FOR PROPERTY LOCATED ON SOUTH CARAWAY ROAD AS REQUESTED BY CAROLYN CARLISLE

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

**ORD-11:026** AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AMENDING THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS

**Attachments:** [Plat](#)  
[Layout](#)  
[MAPC Report](#)  
[Annexation Application](#)  
[Petition to Accept Annexation](#)  
[Citizen email message - 1](#)  
[Citizen email message - 2](#)  
[Citizen email message - 2 - supporting info](#)

**ORD-11:027** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-6 FOR PROPERTY LOCATED AT 1306 DAYBREAK DRIVE AS REQUESTED BY GARRY TATE

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

**ORD-11:028** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO PD-RM FOR PROPERTY LOCATED AT 1711 ARCH STREET AS REQUESTED BY WESLEY ABERNATHY

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

**ORD-11:029** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-M FOR PROPERTY LOCATED NORTH OF AGGIE ROAD AND WEST OF PARAGOULD DRIVE AS REQUESTED BY GERRY MCGOUGH

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

**ORD-11:030** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING

ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO CR-1 LUO FOR PROPERTY LOCATED AT 118 MELROSE STREET AS REQUESTED BY NAOMI GREEN

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

**ORD-11:031** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 5431 SOUTHWEST DRIVE AS REQUESTED BY FIRESIDE INVESTMENTS AND MARK & LISA BOWERS

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

*RESOLUTIONS TO BE INTRODUCED*

**RES-11:031** RESOLUTION AUTHORIZING FINANCING UNDER AMENDMENT 78 FOR CAPITAL IMPROVEMENTS WITH INTEGRITY FIRST BANK

**Sponsors:** Mayor's Office and Finance  
**Attachments:** [2011-99 Tax Exempt Financing - Bid Sheet](#)  
[Written Proposal Integrity First Bank](#)  
[Information concerning loan](#)

**Legislative History**

3/8/11 Finance & Administration Recommended Under New Business  
Council Committee

**7. UNFINISHED BUSINESS**

**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

515 West Washington  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** COM-11:016    **Version:** 1    **Name:**  
**Type:** Other Communications    **Status:** To Be Introduced  
**File created:** 3/7/2011    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** Presentation of Mayor's Citation  
**Sponsors:** Mayor's Office  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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Title  
Presentation of Mayor's Citation



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** COM-11:017    **Version:** 1    **Name:**  
**Type:** Other Communications    **Status:** To Be Introduced  
**File created:** 3/7/2011    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** Presentation by Wendy Stotts of the Auditorium Commission  
**Sponsors:** Mayor's Office  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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Title  
Presentation by Wendy Stotts of the Auditorium Commission



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** MIN-11:019    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** To Be Introduced  
**File created:** 3/2/2011    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** Minutes for the City Council meeting on March 1, 2011.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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title  
Minutes for the City Council meeting on March 1, 2011.



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, March 1, 2011

6:30 PM

Huntington Building

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### PUBLIC WORKS COMMITTEE MEETING AT 5:30 P.M.

#### 1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

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

**Present** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

#### 4. SPECIAL PRESENTATIONS

##### Proclamation to Coach John Brady and the Red Wolves Boys Basketball Team

*Mayor Perrin presented Coach Brady and the Red Wolves with a proclamation commending them for their Sun Belt Conference West Division championship. They will be participating in the Sun Belt Championship Tournament. Coach Brady thanked everyone for their support and stated he hopes to bring something even more special back to Jonesboro and ASU after the tournament.*

#### 5. CONSENT AGENDA

##### *Approval of the Consent Agenda*

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Approve the Consent Agenda with the exception of RES-11:017 thru RES-11:024 and to include RES-11:012, which was postponed from the last City Council meeting. A motion was made that these files be approved by consent voice vote.**

**Aye:** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**MIN-11:016** Minutes for the City Council meeting on February 15, 2011.

Attachments: [Minutes](#)

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



**RES-11:012** A RESOLUTION CONFIRMING AN APPOINTMENT TO THE JONESBORO URBAN RENEWAL HOUSING AUTHORITY AS REQUIRED BY A.C.A. § 14-169-208

**Sponsors:** City Clerk

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

Enactment No: R-EN-021-2011

## **6. NEW BUSINESS**

**RES-11:017** A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:018** A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:019** A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED**

by a unanimous vote

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:020**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:021**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:022**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:023**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE

DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**RES-11:024**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING CONTRACTS FOR INTER LOCAL COOPERATION AGREEMENT FOR THE PURPOSE OF PROVIDING POLICE DISPATCH SERVICE TO POLICE DEPARTMENTS LOCATED IN CRAIGHEAD COUNTY, ARKANSAS.

**Sponsors:** E911

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

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

#### ORDINANCES ON FIRST READING

**ORD-11:007**

AN ORDINANCE AMENDING SECTIONS 66-85 AND 66-86 OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, ELIMINATING THE EXEMPTION OF ANTIQUE VEHICLES IN SECTION 66-86, SUBPARAGRAPH (3), AND PROVIDING RESTRICTIONS ON THE PARKING AND STORING OF NONOPERATING ANTIQUE VEHICLES

**Sponsors:** Code Enforcement

**Attachments:** [Code of Ordinances Existing](#)

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

*Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive second and third readings. All voted aye.*

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: O-EN-017-2011

## 7. UNFINISHED BUSINESS

## 8. MAYOR'S REPORTS

*Mayor Perrin discussed the following items:*

*Recently, three employees went to Washington D.C. on the Chamber of Commerce trip and met with governmental agencies. A film concerning Jonesboro was shown. He explained the video was used on the Washington trip and will also be used for economic development. The A&P Commission worked with the City to produce the film.*

*The Washington trip went very well. But, the CDBG program was discussed and it could have major cuts in the future.*

*The AEDC will be giving the City \$505,000 in funding for generators for Earl Bell, Parker Park and Allen Park. The funding will also be used to remodel the restrooms and shower facilities in Earl Bell. This will allow the community to use the facilities in times of natural disasters.*

*Proposals were sent out concerning loans. They will be discussing the responses with the Finance Committee next week, as well as looking at projects they hope to complete. The lowest bid was 2.37% for five years, with no interest accrued unless funds are pulled down. The two primary projects are completion of the Streets & Sanitation facility and the construction of a fire station on Harrisburg Road. The Harrisburg property has already been purchased. Excess funds will be used to move employees out of the Huntington Building before the lease expires.*

*Bids that will be going out in the future include the straightening out of Nestle Road, the Ivy Green detention pond project behind Iberia Bank on Highland, the sidewalk project in Valley View, 2011 sidewalk program and the 2011 striping.*

*Building Facilities will be moving to Allen Street in order to have larger space. The Building Facilities building on Madison will be empty and may be used for Winter Wonderland.*

## 9. CITY COUNCIL REPORTS

*Councilman Street complimented Mayor Perrin and his staff for their work on the video. Mayor Perrin welcomed back Councilman Street and Councilman Johnson.*

## 10. PUBLIC COMMENTS

## 11. ADJOURNMENT

**A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.**

**Aye:** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

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

**Attest:**

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



## Legislation Details (With Text)

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**File #:** RES-11:014    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 2/10/2011    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER  
MANAGEMENT FACILITIES FOR FOX MEADOW CHASE, A COMMERCIAL SUBDIVISION  
**Sponsors:** Engineering  
**Indexes:**  
**Code sections:**  
**Attachments:** [Maintenance Agreement.pdf](#)

Date	Ver.	Action By	Action	Result
3/1/2011	1	Public Works Council Committee		

### Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR FOX MEADOW CHASE, A COMMERCIAL SUBDIVISION

### Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, Phillips Investment & Construction has submitted a Maintenance Agreement for Stormwater Management Facilities for Fox Meadow Chase development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

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

Section 1. That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with Phillips Investment & Construction and authorizes the filing of a record plat for Fox Meadow Chase development.

Section 2. The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

**MAINTENANCE AGREEMENT  
FOR STORMWATER MANAGEMENT FACILITIES**

**Property Identification**

Project Name: Fox Meadow Chase  
Project Address: 4225 Stadium Blvd.  
Owner(s): Phillips Investment & Construction  
Owner Address: PO Box 19298  
City: Jonesboro State: AR Zip Code: 72403

**City Use**

Plat Book: C Page: 209  
SWMP No.: MP 09-26

**SEE DESCRIPTION ATTACHED HERETO.**

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 3 day of August, 2010, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and Phillips Investment & Construction, hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for FOX MEADOW CHASE as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent:	<u>Barry L. Phillips</u>	<u>[Signature]</u>	<u>1-26-2011</u>
	Printed Name	Signature	Date
Owner/Agent:	<u>Steve Phillips</u>	<u>[Signature]</u>	<u>1-26-2011</u>
	Printed Name	Signature	Date
Owner/Agent:	<u>[Signature]</u>	<u>[Signature]</u>	<u>1-26-11</u>
	Printed Name	Signature	Date



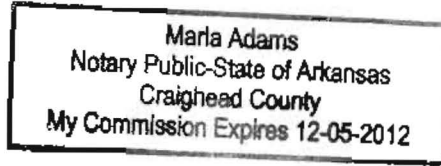
STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Dan Phillip, Barry Phillips, Steve Phillips 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 26 day of January 2011.

Marla Adams  
Notary Public (Printed Name)

Marla Adams  
Notary Public (Signature)



My Commission Expires: 12/5/2012

Accepted by:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## Legislation Details (With Text)

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**File #:** RES-11:015    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 2/10/2011    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR RITTER CENTRE, A COMMERCIAL SUBDIVISION  
**Sponsors:** Engineering  
**Indexes:**  
**Code sections:**  
**Attachments:** [Maintenance Agreement.pdf](#)

Date	Ver.	Action By	Action	Result
3/1/2011	1	Public Works Council Committee		

### Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR RITTER CENTRE, A COMMERCIAL SUBDIVISION

### Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, Ritter Communications has submitted a Maintenance Agreement for Stormwater Management Facilities for Ritter Centre development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

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

SECTION 1. That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with Ritter Communications and authorizes the filing of a record plat for Ritter Centre development.

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

**MAINTENANCE AGREEMENT  
FOR STORMWATER MANAGEMENT FACILITIES**

**Property Identification**

Project Name: RITTER CENTRE  
Project Address: \_\_\_\_\_  
Owner(s): E. RITTER COMMUNICATIONS  
Owner Address: 2815 LONGVIEW  
City: JONESBORO State: AR Zip Code: 72461

**City Use**

Plat Book: C Page: 211  
SWMP No.: MP 10-03

**SEE LEGAL DESCRIPTION ATTACHED HERETO.**

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 19<sup>th</sup> day of JANUARY, 20 11, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and RITTER COMMUNICATIONS, hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for REPLAT OF RITTER COMMUNICATIONS as recorded in the records of Craighead County, Arkansas.   
MINOR PLAT

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.


WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent:	<u>Clinton N. Orr</u>	<u></u>	<u>1-18-11</u>
	Printed Name	Signature	Date
Owner/Agent:			
	Printed Name	Signature	Date

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared CLINTON N. OAK, 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.

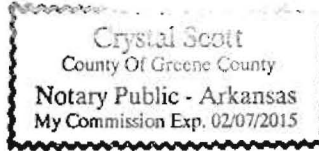
WITNESS my hand and seal this 18<sup>th</sup> day of January, 2011.

CRYSTAL SCOTT

Notary Public (Printed Name)

Crystal Scott

Notary Public (Signature)



My Commission Expires: 2/7/15

Accepted by:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Date

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Date



## Legislation Details (With Text)

**File #:** RES-11:016    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 2/10/2011    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR THE VILLAS ON JOHNSON AVE., A COMMERCIAL DEVELOPMENT  
**Sponsors:** Engineering  
**Indexes:**  
**Code sections:**  
**Attachments:** [Maintenance Agreement.pdf](#)

Date	Ver.	Action By	Action	Result
3/1/2011	1	Public Works Council Committee		

### Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR THE VILLAS ON JOHNSON AVE., A COMMERCIAL DEVELOPMENT

### Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, The Villas on Johnson Ave., LLC. has submitted a Maintenance Agreement for Stormwater Management Facilities for The Villas on Johnson Ave. development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

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

Section 1. That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with the Villas on Johnson Ave., LLC. and authorizes the filing of a record plat for the Villas on Johnson Ave. development.

Section 2. The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

**MAINTENANCE AGREEMENT  
FOR STORMWATER MANAGEMENT FACILITIES**

**Property Identification**

Project Name: THE VILLAS ON JOHNSON AVE, LLC  
Project Address: 2612 JOHNSON AVE.  
Owner(s): LARRY HIGGINS  
Owner Address: 1477 LEE 314  
City: MARAINNA State: AR Zip Code: 72360

**City Use**

Plat Book: H Page: 60  
SWMP No.: 2361

**SEE LEGAL DESCRIPTION ATTACHED HERETO.**

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 15 day of DECEMBER, 2010, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and THE VILLAS ON JOHNSON AVE., LLC, hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for THE VILLAS ON JOHNSON AVE., LLC as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:





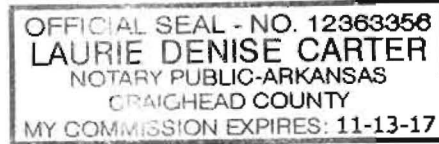
STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Larry Higgins 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 15 day of December 2010.

Laurie Denise Carter  
Notary Public (Printed Name)

Laurie Denise Carter  
Notary Public (Signature)



My Commission Expires: 11-13-17

Accepted by:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## Legislation Details (With Text)

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**File #:** RES-11:026    **Version:** 2    **Name:**  
**Type:** Resolution    **Status:** Recommended to Council  
**File created:** 2/22/2011    **In control:** Public Works Council Committee  
**On agenda:**    **Final action:**  
**Title:** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR LOT 51 - 55 SAGE MEADOWS PHASE II-C, A RESIDENTIAL SUBDIVISION  
**Sponsors:** Engineering  
**Indexes:**  
**Code sections:**  
**Attachments:** [Plat.pdf](#)  
[Maintenance Agreement.pdf](#)

Date	Ver.	Action By	Action	Result
3/1/2011	2	Public Works Council Committee		

### Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR LOT 51 - 55 SAGE MEADOWS PHASE II-C, A RESIDENTIAL SUBDIVISION

### Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, C & O Enterprises, LLC has submitted a Maintenance Agreement for Stormwater Management Facilities for Lot 51 - 55 Sage Meadows Phase II-C development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

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

Section 1. That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with C & O Enterprises, LLC and authorizes the filing of a record plat for Lot 51 - 55 Sage Meadows Phase II-C development.

SECTION 2. The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.



**MAINTENANCE AGREEMENT  
FOR STORMWATER MANAGEMENT FACILITIES**

**Property Identification**

**Project Name:** Lot 51 – 55 Sage Meadows Phase II-C  
**Project Address:** Aberdeen – Sage Meadows  
**Owner(s):** C & O Enterprises, LLC  
**Owner Address:** P.O. Box 19068  
**City:** Jonesboro **State:** AR **Zip Code:** 72402

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 16 day of February, 2011, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the “City” and C & O Enterprises, LLC, hereinafter called the “Developer”.

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the “Plan”) approved by the City and the recorded plat (the “Plat”) for Lot 51 – 55 Sage Meadows Phase II-C as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.

WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:



STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Gary Childers, 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 16 day of Feb, 2011.

Kim Hauge  
Notary Public (Printed Name)

Kim Hauge  
Notary Public (Signature)



My Commission Expires: 1/5/2019

Accepted by:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## Legislation Details (With Text)

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<b>File #:</b>	ORD-11:023	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		First Reading	
<b>File created:</b>	3/7/2011	<b>In control:</b>		Finance & Administration Council Committee	
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	AN ORDINANCE TO AMEND THE 2011 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A SOFTBALL COORDINATOR TO THE PARKS AND RECREATION DEPARTMENT				
<b>Sponsors:</b>	Parks & Recreation, Finance				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Softball Coordinator - 28736</a>				

Date	Ver.	Action By	Action	Result
3/8/2011	1	Finance & Administration Council Committee		

### Title

AN ORDINANCE TO AMEND THE 2011 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A SOFTBALL COORDINATOR TO THE PARKS AND RECREATION DEPARTMENT

### Body

WHEREAS, Ordinance Number 10:090 adopted the 2011 Budget; and

WHEREAS, Resolution Number 09:001 adopted the City Salary & Administration Plan; and

WHEREAS, it is recommended by the Finance Committee, to ensure sufficient staffing in the Parks and Recreation Department, that the position of Softball Coordinator be added;

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

SECTION 1: The annual 2011 budget of the City of Jonesboro is amended by the addition of an Softball Coordinator; and

SECTION 2: The City Salary & Administration Plan is amended to include the position of Softball Coordinator, grade 112 in the Parks and Recreation Department at the salary of \$29,625.

SECTION 3: For the financial and operational continuity of the City of Jonesboro it is hereby found and declared that an emergency exists and that this ordinance shall take effect from and after its passage and approval.

**City of Jonesboro  
Softball Coordinator  
Job Description**

**Exempt:** Yes  
**Department:** Parks & Recreation  
**Reports To:** Director of Parks & Recreation  
**Location:** 2009 Dan Avenue  
**Date Prepared:** March 02, 2011  
**Date Revised:** March 07, 2011

**GENERAL DESCRIPTION OF POSITION**

This position is responsible for the organization and oversight of all softball programs and tournaments at the Southside Complex.

**ESSENTIAL DUTIES AND RESPONSIBILITIES**

1. Coordinate and oversee the softball activities at Southside complex. This duty is performed daily.
2. Coordinates, compiles and maintains program participant files. This duty is performed weekly.
3. Coordinates and distributes practice, game, and tournament schedules. This duty is performed irregularly.
4. May write checks for umpires and scorekeepers. This duty is performed monthly.
5. Supervises the public usage of the southside complex. This duty is performed irregularly.
6. Trains and coordinates schedules of part-time and volunteer staff. This duty is performed daily.
7. Perform any other related duties as required or assigned.

**QUALIFICATIONS**

To perform this job successfully, an individual must be able to perform each essential duty mentioned satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

**EDUCATION AND EXPERIENCE**

High school, plus specialized schooling and/or on the job education in a specific skill area; e.g. data processing, clerical/administrative, equipment operation, etc, plus 2 years related experience and/or training, and 7 to 11 months related management experience, or equivalent combination of education and experience.

**RESPONSIBILITY FOR FUNDS, PROPERTY and EQUIPMENT**

Funds, Property & Equipment Responsibility: \$ 200,000

**SUPERVISORY RESPONSIBILITIES**

Supervises 2 non-supervisory employee(s). Departments supervised by this position include None. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring and training employees; planning, assigning and directing work; appraising performance, rewarding and disciplining employees; addressing complaints and resolving problems.



## **COMMUNICATION SKILLS**

Ability to effectively communicate information and respond to questions in person-to-person and small group situations with customers, clients, general public and other employees of the organization.

## **MATHEMATICAL SKILLS**

Ability to add, subtract, multiply and divide numbers. Ability to perform these mathematical skills using money and other forms of measurement.

## **CRITICAL THINKING SKILLS**

Ability to utilize common sense understanding in order to carry out written, oral or diagrammed instructions. Ability to deal with problems involving several known variables in situations of a routine nature.

## **SUPERVISION RECEIVED**

Under general supervision where standard practice enables the employee to proceed alone on routine work, referring all questionable cases to supervisor.

## **PLANNING**

Considerable responsibility with regard to general assignments in planning time, method, manner, and/or sequence of performance of own work; may also occasionally assist in the planning of work assignments performed by others within a limited area of operation.

## **DECISION MAKING**

Performs work operations which permit frequent opportunity for decision-making of minor importance and which would not only affect the operating efficiency of the individual involved, but would also affect the work operations of other employees and/or clientele to a slight degree.

## **MENTAL DEMAND**

Close mental demand. Operations requiring close and continuous attention for control of operations. Operations requiring intermittent direct thinking to determine or select the most applicable way of handling situations regarding the organization's administration and operations; also to determine or select material and equipment where highly variable sequences are involved.

## **ANALYTICAL ABILITY / PROBLEM SOLVING**

Moderately structured. Fairly broad activities using moderately structured procedures with only generally guided supervision. Interpolation of learned things in somewhat varied situations.

## **USE OF MACHINES, EQUIPMENT AND/OR COMPUTERS**

Occasional use of complex machines and equipment (desktop/laptop computer and software, road and production machines and equipment, etc.)

## **ACCURACY**

Probable errors of internal and external scope would have a moderate effect on the operational efficiency of the organizational component concerned. Errors might possibly go undetected for a considerable period of time, thereby creating an inaccurate picture of an existing situation. Could cause further errors, losses, or embarrassment to the organization. The possibility for error is always present due to requirements of the job.

## **PUBLIC CONTACT**

Frequent contacts with general public, patrons, or other outside representatives, wherein the manner of handling these contacts has a bearing on the organization's position and operation.

## **EMPLOYEE CONTACT**

Contacts occasionally with others beyond immediate associates, but generally of a routine nature. May obtain, present or discuss data, but only as pertains to an immediate and specific assignment. No

responsibility for obtaining cooperation or approval of action or decision.

**REQUIRED CERTIFICATES, LICENSES, REGISTRATIONS**

Not indicated.

**PREFERRED CERTIFICATES, LICENSES, REGISTRATIONS**

Not indicated.

**SOFTWARE SKILLS REQUIRED**

Basic: Accounting, Word Processing/Typing

**ADDITIONAL INFORMATION**

Not indicated.

**PHYSICAL ACTIVITIES**

The following physical activities described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions and expectations.

While performing the functions of this job, the employee is regularly required to stand, walk, sit, use hands to finger, handle, or feel, talk or hear; and occasionally required to reach with hands and arms, climb or balance, stoop, kneel, crouch, or crawl, taste or smell. The employee must occasionally lift and/or move up to 50 pounds; regularly lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision; distance vision; peripheral vision; depth perception; and ability to adjust focus.

**ENVIRONMENTAL CONDITIONS**

The following work environment characteristics described here are representative of those an employee encounters while performing essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the functions of this job, the employee is continuously exposed to outdoor weather conditions; regularly exposed to work near moving mechanical parts; frequently exposed to fumes or airborne particles; and .The noise level in the work environment is usually loud.



Legislation Details (With Text)

**File #:** ORD-11:024    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 3/9/2011    **In control:** City Council

**On agenda:**    **Final action:**

**Title:** AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-6 LUO FOR PROPERTY LOCATED AT 2225 & 2227 BELT STREET AS REQUESTED BY YUNGHO OUYANG

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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title  
AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES.

body  
BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION 1: CHAPTER 117, ARTICLE III, OF 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 Residential, RM-6 L.U.O. (MAX 7 UNITS), THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 4, DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of said NE1/4 NE 1/4, run thence S 89°30' W 420 feet (420.3 feet found), run thence S 0°58' W 186.0 feet, run thence N 89°30' E 200.0 feet, run thence N 0°58' E 93.0 feet, run thence N 89° 27' E 220.0 feet, run thence N 1°12' E 93 feet (92.8 feet found) to the true point of beginning, containing 1.32 acres, more or less, subject to the right-of-way of Belt Street off the North side thereof, the right-of-way of Caraway Road off the East side thereof, and any utility or drainage easements of record, being the same lands as those described in Deed Book 722 at page 292.

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) That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, State and Local agencies shall be satisfied.
- 3) That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 1.32 acres.
- 4) The density shall be a maximum of 7 units.

# REZONING PLAT

## REZONING REQUEST FROM R-1 TO RM-6 L.U.O. (MAX 7 UNITS)

Survey for: Yungho - Liouh

OF: 2225 & 2227 Belt Street  
Jonesboro, Arkansas

The following described lands in Craighead County, Arkansas, to-wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 17, Township 14 North, Range 4 East, described as follows: Beginning at the Northeast corner of said NE1/4 NE1/4, run thence S89°30'W 420 feet (420.3 feet found), run thence S0°58'W 186.0 feet, run thence N89°30'E 200.0 feet, run thence N0°58'E 93.0 feet, run thence N89°27'E 220.0 feet, run thence N1°12'E 93 feet (92.8 feet found) to the true point of beginning, containing 1.32 acres, more or less, SUBJECT TO the right-of-way of Belt Street off the North side thereof, the right-of-way of Caraway Road off the East side thereof, and any utility or drainage easements of record, being the same lands as those described in Deed Book 722 at page 292.

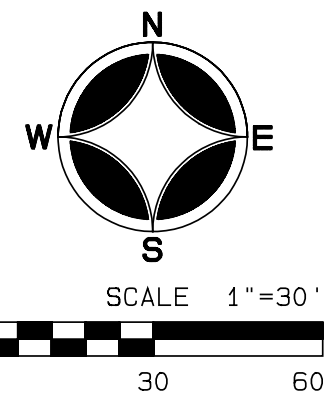
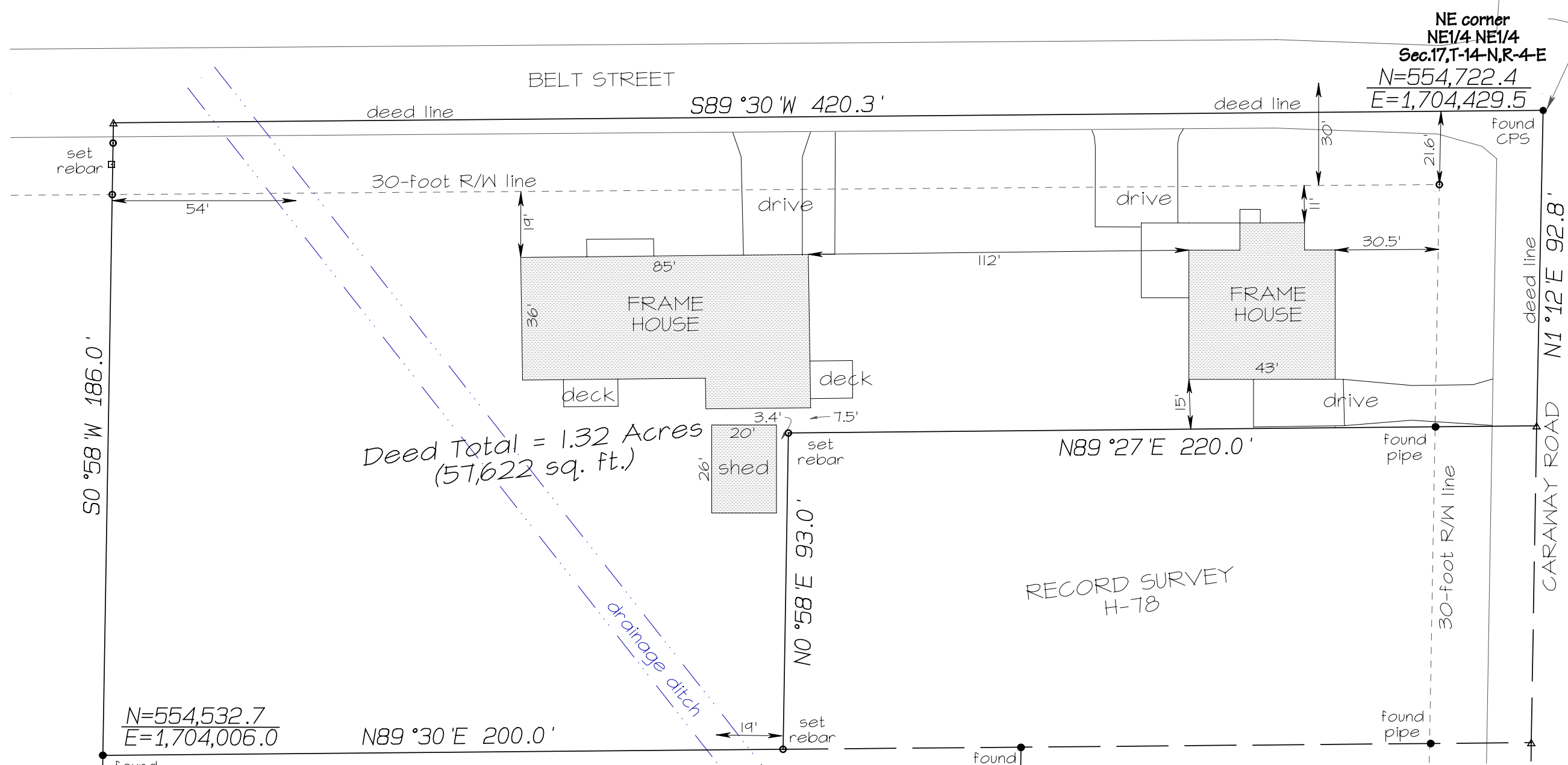
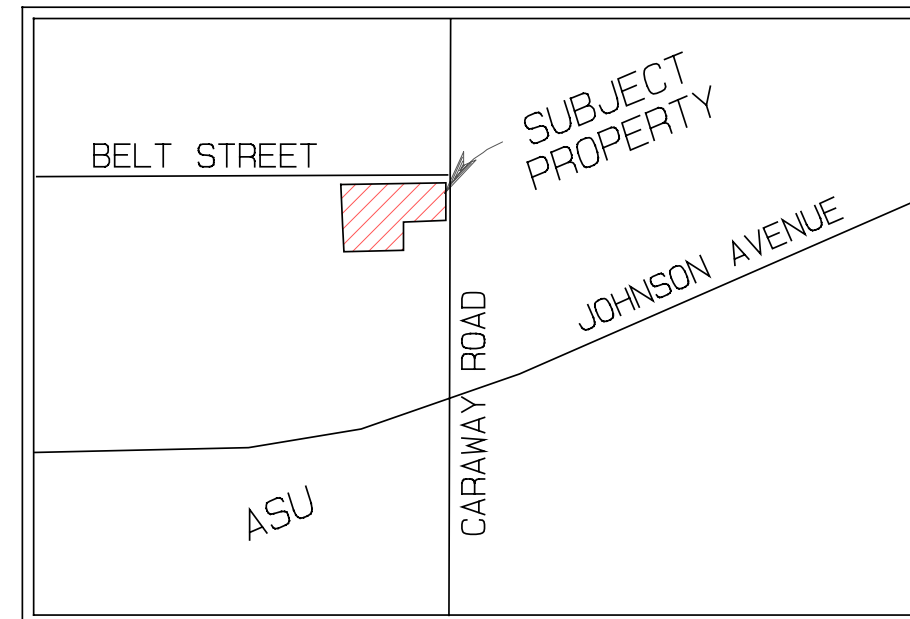
**NOTES:**

- 1.) Bearings from GPS observation.
- 2.) Improvements are located as shown.
- 3.) This property lies in Flood Zone X according to the FIRM for Jonesboro, map no. 05031C0044 C, 9-27-1991.

Dated: January 12, 2011



VICINITY MAP: not to scale



<b>REZONING PLAT</b>
Bradley P. Hancock Surveying & Mapping 120 North Second Street Paragould, Arkansas



*City of Jonesboro City Council*  
**Staff Report – RZ 11-01: 2225/2227 Belt St. Ouyang**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

- REQUEST:** To consider a rezoning of a parcel of property containing approximately 1.32 acres more or less from R-1 Single Family to RM-6 Low Density Multi-Family and make recommendation to City Council.
- PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as **RM-6 L.U.O. (Max 7 units)**.
- APPLICANT/ OWNER:** Yungho Ouyang 3114 Prairie Dr. Jonesboro AR 72404
- LOCATION:** 2225/2227 Belt St.  
 (Intersection of N. Caraway Rd./Belt St.-Southwest Corner)
- SITE DESCRIPTION:**
- |                  |  |
|------------------|--|
| Tract Size:      | Approx. 1.32 +/- acres, 57,622 Sq. ft. +/-     |
| Frontage:        | Approx. 390 ft. along Belt St.                 |
| Topography:      | Predominantly Flat, Gently Sloping             |
| Existing Dvlpmt: | 2-Duplexes with Unknown Non-Conforming History |
- SURROUNDING CONDITIONS:**
- |        | <u>ZONE</u> | <u>LAND USE</u>           |
|--------|-------------|---------------------------|
| North: | R-2         | Single Family Residential |
| South: | R-1/R-2     | Residential               |
| East:  | PD-RM       | Grove Apartments          |
| West:  | R-1         | Church                    |
- HISTORY:** Rental property has 2-Duplexes with Unknown Non-Conforming History
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

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

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

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

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as a Single Family Residential District Area.

This planning area has been highlighted to remain single family. There are numerous apartment complexes surrounding the property as well as within the vicinity.



**Zoning/Vicinity Map**

**MAPC RECORD OF PROCEEDINGS: Hearing Held on February 8, 2011:**

Applicant: Mr. Paul Bednar spoke on behalf of the owner Mr. Ouyang.

Mr. Bednar stated that he met with the Planning and Engineering Staff. He has had Carlos Wood, Engineer, look at the site and draw some preliminary plans on the parking layout. The surrounding area is R-2- Multi-family and there is one adjacent rental house. This is an island that is surrounded by Multi-family units. He is asking to improve the property and add a duplex in the middle of it, which will be approximately 800 – 1,100 sq. ft. in area. We ask for your approval in changing this zoning.

Staff Comments: Mr. Otis Spriggs noted the staff report findings. RM-6 Low Density Multi-family is requested at 6 units per acre; Staff is requesting a modification of the request to RM-16 L.U.O. to accommodate the need of placing any conditions or restrictions of the Commission on the site; this would make that possible. Staff has listed a number of concerns on the acreage (referring to the rezoning plat). There are 1.07 acres listed. They, as noted, plan to add 2 apartment units. We have discussed the parking and the applicant has demonstrated that they can comply. Staff does not have any issue with the requested density of 6 units per acre, given that the area is zoned appropriately with the surrounding apartments existing. Staff requests the L.U.O. recommendation with the 4 conditions.

Mr. Bednar noted that a sketch plan was submitted and he scaled-in where the parking would be located. The plan was pulled from the file and distributed to the Commission. Mr. Roberts asked the applicant if he plans to do anything else on the other side of the ditch?

Mr. Bednar replied, No. This seems to be the best plan at this point; we don't want to create any drainage problems. The unit on the Caraway side is an existing multi-family unit. Mr. Spriggs asked if the applicant is aware of the regional drainage plan in that area? Mr. Bednar noted yes. We are not touching that. Mr. Spriggs noted that the City does not have a necessary drainage easement through this site to link drainage to the north and south. In the past, the City has attempted to negotiate and submit a check to the owners to obtain the easement, but they were not willing to participate.

Mr. Bednar asked the owner for consent and noted that they would be willing to work with the City on that. It is to no benefit to Mr. Ouyang. We do not want to cause any drainage problems down the road. We would ask the City to put in that easement that should we rework that end building, we would be allowed to move the ditch. Mr. Michael Morris from City Engineer stated that they would like to have the easement.

Mr. Spriggs asked the applicant if they concurred with the recommended conditions of the staff report. They were read, the applicant concurred.

Motion was made by Mr. Kelton to recommend approval to the Council with the recommended conditions from R-1 to RM-6 L.U.O., Maximum 6 units per acre. Motion was seconded by Ms. Norris.

Roll Call Vote: Mr. Hoelscher- Aye; Mr. Scurlock-Aye; Norris- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye.

Action: Passed with 5-0 Vote.



**MAPC RECORD OF PROCEEDINGS: Hearing Held on March 8, 2011:**

**Mr. Spriggs** introduced the case and explained the request for reconsideration. The applicant had concerns on the MAPC previous approval on restricting future subdividing of the lot, and also the increase of the density by one additional single family.

**Mr. Hoelscher** asked for more details on the request. **Mr. Spriggs** noted that the applicant requested a rezoning to RM-6, maximum 6 units per acre to allow for a duplex to be placed between the existing two structures. MAPC placed a restriction that the parcel not be further subdivided. They are requesting an allowance of 7 units instead, to allow the opportunity to develop the vacant area to the west of the existing buildings as a single family home.

**Mr. Roberts** asked if the proposal for the single family will be west of the drainage easement? **Mr. Carlos Wood** noted that it would be west of the drainage easement and will be a 70 ft. wide lot.

**Mr. Spriggs:** Given the gross density which was 1.32 acres prior to the dedication of right of way, the overall density would equate to 7 units, (at 6 units per acre density level) under the requirements for RM-6.

**City Attorney Carol Duncan** clarified the language of the MAPC Bylaws, dealing with reconsiderations. She noted that if this is an amended application, the bylaws read: 6.b. b. Reconsideration - Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (new fees, legal ad, and adjacent property owners re-notified so that they may have an opportunity to hear any new evidence and to be heard).

**Mr. Halsey:** If you consider it an amended application it may have to come back next meeting as a new application. **Mr. Wood** asked if we leave it as-is could we come back later and ask for that provision to be removed through the MAPC or City Council? **Mr. Spriggs** stated that once it leaves here, you can decide to move forward to City Council and ask for a modification to the recommendation. Since this has gotten complicated, you should perhaps take the original MAPC recommendation to City Council and ask for the additional single family inclusion with the revised conditions.

**Mr. Roberts:** Was the City granted the easement on the drainage that was mentioned? **Mr. Spriggs** stated the owner is now in agreement to grant the easement which is sketched on the revised plan.

**Mr. Bednar:** this issue was in part a misunderstanding on my part. I didn't understand that restriction was in there. It was my misunderstanding, I am deaf in one ear. At a later day I stated that this could be with another unit. I didn't realize this was being locked in. Carlos Wood could not make the last meeting. The communication was my fault.

**Mr. Spriggs:** Because of the process for reconsideration, I do not think they want to come back next month. MAPC may take a poll of the Commission that we would forward to Council: that we attempted to do reconsideration, we do not have the provision to move forward because of the bylaws.

**Mr. Scurlock** noted that it was important that this was done in regard to the drainage area and we were being careful not to affect someone else's property. **Mr. Wood:** there is sufficient amount of area to the west side to put a building on the west side.

**Action:** Informal poll of the commission to recommend a modification to the approval to RM-6, 7 units maximum.

**Informal Poll Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye.

**Findings:**

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to RM-6. Although the subject property abuts a single family residence, 1.32 acre site will remain low density with the addition of the duplex (see rezoning plat).

The applicant has expressed a desire to retain the 2 existing structures on the property (4 units). The site is irregular in shape and has some development constraints such as lot dept to the east and a drainage ditch to the west.

The City Engineering department has attempted to purchase easement along the ditch swale to accommodate a necessary drainage channel unsuccessfully with the ownership. That easement remains preferred.

Staff has concerns about the future development of this lot in terms of over developing with too much density. Although 6 units are being proposed, staff cautions the Commission that a limited use overlay should be applied in this instance to assure that a future site development plan is reviewed by the Planning Commission and that the location of the proposed structure does not compromise good land use planning. Future lot subdividing is a concern from Staff as well.

**Conclusion:**

The Planning Department Staff and the MAPC find that the requested Zone Change submitted by Yungho Ouyang, should be evaluated based on the above observations and criteria, of Case RZ11-01 a request to rezone property from R-1 & to **RM-6 L.U.O.** (modified) and is recommended to the City Council with 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. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 1.32 acres.
4. That the density shall remain at 7 units maximum.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

SITE PHOTOGRAPHS



*View looking North along N. Caraway Rd.*



*View looking West of subject property rear yard.*



*View looking East from rear yard of The Grove Apartments.*



*View looking North in between existing structures on subject property..*



*View looking North of adjacent apartments..*



*View Looking Southeast of drainage easement leading to detention basin.*



*View looking North of more apartments adjacent from subject property.*



*View Looking South at Subject Non-Conforming Structure/Home*



Legislation Details (With Text)

**File #:** ORD-11:025    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 3/9/2011    **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-RM FOR PROPERTY LOCATED ON SOUTH CARAWAY ROAD AS REQUESTED BY CAROLYN CARLISLE

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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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  
body

WHEREAS, the following described lands located in Jonesboro, Craighead County, Arkansas, are currently zoned “R-1”, residential use classification (the “Property”):

That part of the Northeast Quarter of Section 5, Township 13 North, Range 4 East, being described as follows: Beginning at the Southeast corner of said NE 1/4 of said Section 5, run thence N 00° 01' W 499.94 feet, run thence S 89° 59' W 29.9 feet to the West line of Caraway Road, run thence North 217.0 feet, run thence S 89° 59' W 501.3 feet, run thence N 00° 33' W 149.1 feet to the true point of beginning, run thence S 89° 44' W 673.7 feet, run thence N 00° 26" W 343.4 feet, run thence N 80° 44' E 673.0 feet, run thence S 00° 33' E 343.4 feet to the true point of beginning, containing 5.31 acres, more or less, AND subject to any utility easements;

AND

That part of the Northeast Quarter of Section 5, Township 13 North, Range 4 East, being described as follows: Beginning at the Southeast corner of said NE 1/4 of said Section 5, run thence N 00° 01' W 499.94 feet, run thence S 89° 59' W 29.9 feet to the West line of Caraway Road, run thence North 217.0 feet, run thence S 89° 59' W 501.3 feet to the true point of beginning, run thence N 00° 33' W 149.1 feet, run thence S 89° 44' W 673.7 feet, run thence S 00° 26' E 501.6 feet, run thence N 88° 32' E 376.2 feet, run thence North 345.9 feet, run thence N 89° 59' E 295.2 feet to the true point of beginning, containing 5.32 acres, more or less, AND subject to any utility easements.

WHEREAS, the Jonesboro Metropolitan Area Planning Commission has recommended that the Property be rezoned to a “PD - RM”, multi-family planned development classification; and

WHEREAS, all applicable laws, rules and regulations have been complied with in presenting this Ordinance to the City Council.

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

SECTION I: The Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Chapter 117, Article III, of the Jonesboro Municipal Code, should be, and hereby is amended so that the Property shall be zoned as a "PD - RM", multi-family planned development.

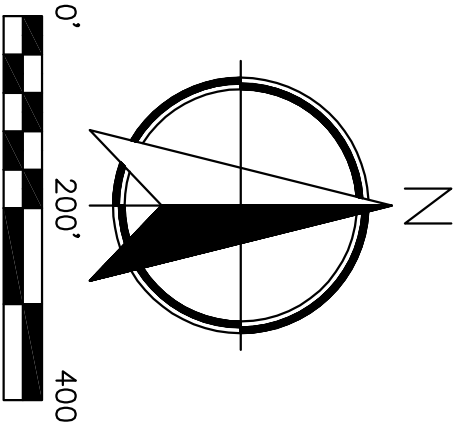
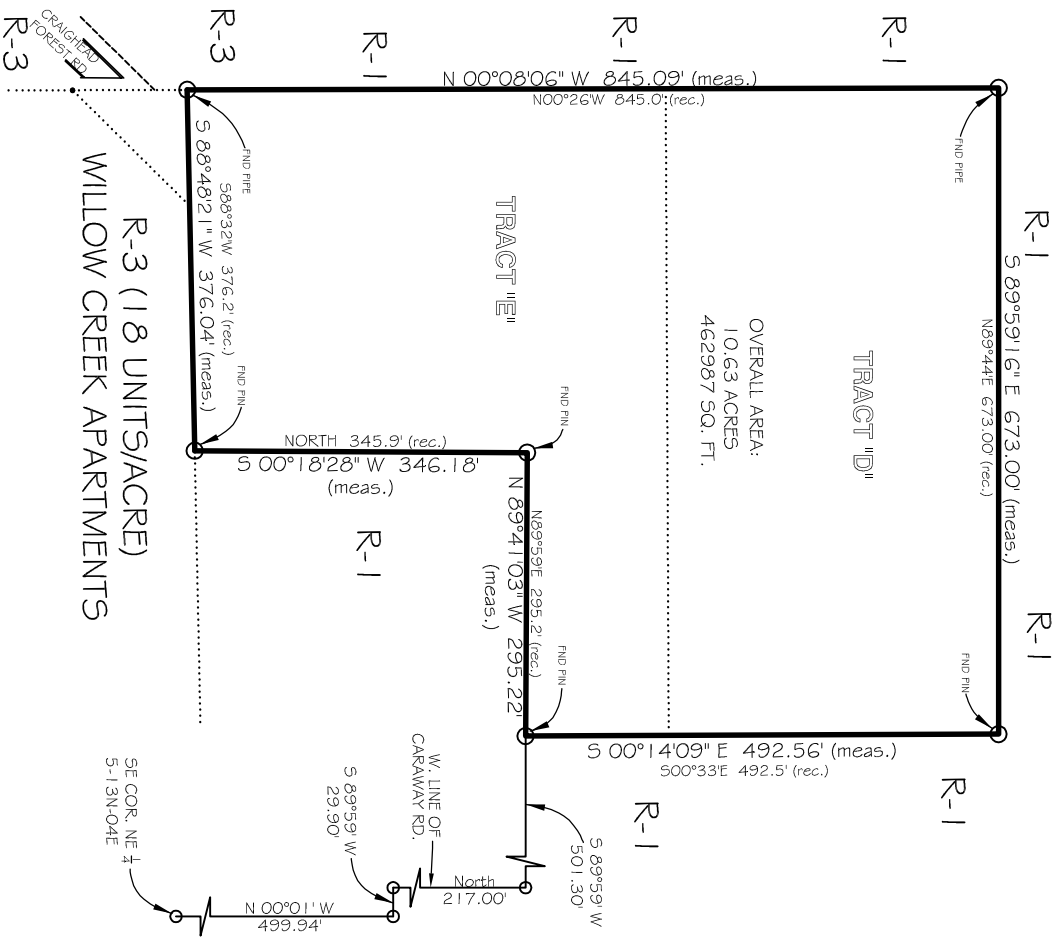
SECTION II: The planned development of the Property is residential, multi-family housing, with the following stipulations:

- A. The applicant shall file a Final Development Plan with the MAPC detailing all site requirements as approved during the Preliminary Plan process.
- B. The proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
- C. Prior to any issuance of a Certificate of Occupancy of new uses, all requirements stipulated by all City, State and local agencies shall be satisfied.
- D. A lighting and landscape plan shall be submitted and approved as part of the Final Development to the MAPC prior to any development of the 10.63 acres including perimeter fencing.
- E. The final plat shall quantify the minimum area of green space is dedicated per the Zoning Ordinance.
- F. The maximum number of units shall not exceed one hundred forty four (144) units.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: 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 Property, so that the zoning classification of the Property shall be in accordance with the provisions of this Ordinance.



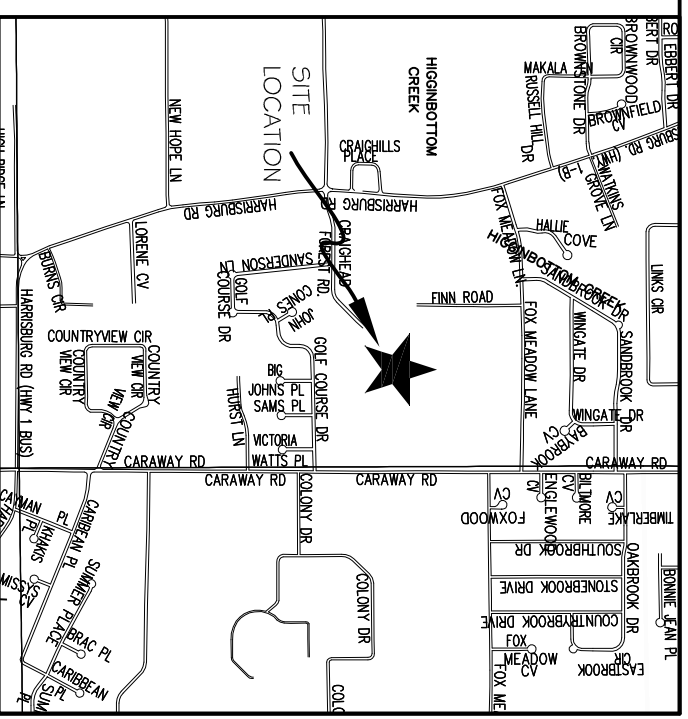


**LEGAL DESCRIPTION:** (TRACT "D") (as furnished)

That part of the Northeast Quarter of Section 5, Township 13 North, Range 4 East, being described as follows: Beginning at the Southeast corner of said NE 1/4 of said Section 5, run thence N00°01'W 499.94 feet, run thence S89°59'W 29.9 feet to the West line of Caraway Road, run thence North 217.0 feet, run thence S89°59'W 501.3 feet, run thence N00°33'W 149.1 feet to the true point of beginning, run thence S89°44'W 673.7 feet, run thence N00°26" W 343.4 feet, run thence N80°44'E 673.0 feet, run thence S00°33'E 343.4 feet to the true point of beginning, containing 5.31 acres, more or less, AND subject to any utility easements.

**LEGAL DESCRIPTION:** (TRACT "E") (as furnished)

That part of the Northeast Quarter of Section 5, Township 13 North, Range 4 East, being described as follows: Beginning at the Southeast corner of said NE 1/4 of said Section 5, run thence N00°01'W 499.94 feet, run thence S89°59'W 29.9 feet to the West line of Caraway Road, run thence North 217.0 feet, run thence S89°59'W 501.3 feet to the true point of beginning, run thence North 217.0 feet, run thence S89°59'W 501.3 feet, run thence N00°33'W 149.1 feet, run thence S89°44'W 673.7 feet, run thence S00°26'E 501.6 feet, run thence N88°32'E 376.2 feet, run thence North 345.9 feet, run thence N89°59'E 295.2 feet to the true point of beginning, containing 5.32 acres, more or less, AND subject to any utility easements.



**NOTES:**

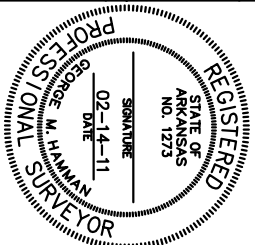
- 1) THIS SURVEY AND PLAT ARE THE PROPERTY OF THE SURVEYOR AND ARE INTENDED FOR THE SOLE USE AND BENEFIT OF THE SURVEYOR & CLIENT.
- 2) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1" IN 644,000'.
- 3) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES PREVIOUS SURVEYS.
- 4) ALL PINS SET ARE 1/2" REBAR, UNLESS NOTED OTHERWISE.
- 5) FLOOD PLAN: THIS TRACT DOES NOT LIE WITHIN THE 100-YR FLOOD PLAN PER FLOOD INSURANCE RATE MAP OF CRAIGHHEAD CO., ARK. AND INCORPORATED AREAS, COMMUNITY PANEL NO. 05031C0134 C, DATED 09/27/91. THIS TRACT DOES LIE WITHIN A ZONE "X" FLOOD PLAN, PER THE MAP REFERENCED ABOVE.

**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 P.D.-R.M. ZONING**

<b>ENGINEERS</b>		<b>PLANNERS</b>		<b>SURVEYORS</b>	
203 Southwest Dr. - Jonesboro, AR - (870) 932-7880 - www.civilogic.net					
REZONING PLAT					
PT. NE 1/4, SEC. 5-T13N-R4E					
FOR					
WILLOW CREEK APARTMENTS, PHASE TWO					
JONESBORO, ARKANSAS					
Date	02-14-11	Scale	1" = 200'	Job No.	109064
Section	5	Township	13N	Range	04E
County	CRAIGHHEAD	Sheet	1	No.	1
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES					
© 2011, Civilogic					
Drawn By: RE			Checked by: GH		





*City of Jonesboro City Council*  
**Staff Report – RZ 11-03: Willow Creek Apts.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 8, 2011*

**REQUEST:** To consider a rezoning of a parcel of property containing approximately 10.63 acres more or less from R-1 Single Family to PD-RM (144 units) and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as PD-RM (144 Multi-family Units).

**APPLICANT/  
OWNER:** Carolyn Carlisle 4513 S. Caraway Rd. Jonesboro AR 72404  
Stanley/Katrena Hill 1803 Country Side Ln., Paragould, AR 72450

**LOCATION:** Caraway Rd.  
(Entrance thru existing Willow Creek Apts./north of development)

**SITE DESCRIPTION:** Tract Size: Approx. 10.63 +/- acres, 463,011 Sq. ft. +/-  
Frontage: Approx. 120.61 ft. along unimproved portion of Craighead Forest Rd.  
Topography: Gently Sloping in 3 directions  
Existing Developmt.: Vacant

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	R-3	Residential (Willow Creek Apts.)
East:	R-1	Residential
West:	R-1	Residential

**HISTORY:** None.

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

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

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

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Southwest Sector and to be recommended as a Single Family Residential District Area.

**Master Street Plan/Transportation:**

This request is proposed as Phase II of the Willow Creek Apartments, which are under construction, and very near completion. The adjoining street is Caraway Road (a Principal Arterial). It is currently two lanes in width, but is capable of accommodating a large volume of traffic. The City has Caraway Road on the list for improvement to a wider street, capable of accommodating more traffic than at present, though a firm date for the improvements has yet to be decided and announced. The existing development contains two access points on Caraway Road. The Jonesboro Fire Department has been consulted regarding the expansion of this development, and has responded that they are satisfied with the accessibility of the site. Since the fire department has the largest and least maneuverable equipment of all emergency services, it would seem to follow that other emergency services would deem the accessibility of the site to be adequate for their purposes as well.

The existing property is virtually land-locked. The proposed development has no existing frontage on improved right-of-ways. The parcels that are proposed to be acquired and developed are two of five parcels conveyed as inheritance. **The only frontage these parcels have exists on an unimproved portion of Craighead Forest Road.** In order to be developed by anyone aside from the owners of Willow Creek Apartments would require a substantial expense in the construction of City streets, simply to access the property. The developers of the Willow Creek Apartments, therefore, are the most-likely choice for the development of this parcel.



**Zoning/Vicinity Map**

**MAPC Public Hearing: Record of Proceedings on March 8, 2011:**

**Applicant:**

**George Hamman**, Civilogic represented the owner Mr. Andrew Braxton, Willow Creek, LLC. ; Applicant’s Agent- Attny. Jim Lyons.

Mr. Hamman introduced the request to rezone 10. 6 acres to PD-RM (144 units) off of E/ Craighead Forrest Road. This will be lower in density than Phase 1, which is just about 100% complete. We are proposing undisturbed buffers surrounding the second phase of this development. All traffic and access will come from Caraway Rd. in which they already have two access points. We have met with Fire, Engineering and Planning Departments to modify and solidify this plan and we are requesting approval of the PD-RM.

**Opposition: Ms. Sandra Matthews**, 1212 E. Craighead Forrest Rd. We are surrounded by apartments now; we are 3 blocks down is the golf course and they are constructing one after another there. We already have the first phase (180 units right next to me) and they are adding 144 more. The traffic is an issue. The crime is a concern. Cited the example of Cedar Heights Apartments – Apartment City is what this can turn into in my little neighborhood. When they were building last year, they would start before 6:00 am and work through the night with loud noise in the night, i.e. jack hammers and dump trucks popping their tail gates. I have a sick old husband. I wish we could have a moratorium on apartments. We have far too many right now.

**Christy West**, 1208 E. Craighead Forrest Road. We do not want a thru- street to E. Craighead Forrest Road is that for sure not going to happen? We prefer to keep it that way. Can we get confirmation? **Mr. Hamman:** within the land plan there is no plan to extend that road to the

apartments. We are on the agenda to meet with the Transportation Advisory Committee. Our intent is not to build a street but to dedicate the right of way if it is needed.

**Mr. Braxton:** Willow Creek- We build Class A- Apartments in communities. Because of the strong economy in Jonesboro, and the job growth which attracts large employers here, additional housing is obviously needed. We were building over a million and half homes in the US for the last 50 years. We only built one-half million last year. The demand for class A apartments is high in the US. Our rents at Willow Creek are higher than anyone else. We do extreme background checks with a security officer onsite. We provide amenities and we do a good job with management. We are not a student housing community. We went to the City and talked to the Fire Department and City Official; as well as we came to in your last meeting for a concept review; and we are willing to do whatever we need to do to work with the City.

**Mr. Jim Lyons, Atty.:** We are willing to execute whatever deeds are necessary for whatever the City needs. This is something the City ask us to provide in the first phase. We would prefer for that not to go through because it will alleviate a lot of the concerns of security.

**Staff:** **Mr. Spriggs** gave staff comments. The land use plan recommends Single Family Residential; however they are requesting an expansion of Phase 1. The right of way issues were mentioned where Caraway Road is a principal arterial. The issue of land-locked properties was addressed in Phase 1, by allowing for the right of way extension, which affected this subject lot. **Mr. Spriggs** added that there is no logic to retaining that easement, although it was platted in Phase 1. Once this phase is completed that right of way would lead to nowhere while following the west property line of the site extending north. The City Engineer has no need for the right of way; the site has no need for it, and the residents on E. Craighead Forrest Rd. obviously do not desire to have it extended. The Master Street Plan does not recommend it to be extended as a local or collector road due to the lack of acquired property. Given all of this information, that easement could indeed be deleted by the Commission because you were the body that imposed it in negotiating a previous site plan approval. Other than that all of the other facts of the case are presented to you in terms of buffering and open space amenities required as part of the Planned Development Process. You will see greater detail during the Final Development Plan review process. Parking does meet requirements. Staff has listed 6 conditions which were read.

**Mr. Kelton:** They mentioned a 6 ft. fence in proximity to Mrs. Matthew's house. Will it be unreasonable to ask for 8 ft. at her property? Photos were shown.

**Mr. Braxton:** There will be a 60 ft. tree buffer; trees are 30 ft. tall with privacy fence in between that buffer area. It is a rotational molded (stone appearance). We are proposing a 60 ft. on west side and 40 ft. on the other 3 sides. We can look at an 8 ft. fence if that makes a difference on that section. Mrs. Matthews stated that it would make a difference to her.

**Mr. Roberts** clarified what it would look like in appearance after looking at the photo of the immediate area next to the Matthews home with the 60 ft. buffer. It would be less intrusive being on the apartment side of the buffer with a natural undisturbed look with the trees.

**Mr. Tomlinson** asked about the right of way extension issue. **Mr. Spriggs** noted that the right of way could be vacated. **Mr. Tomlinson** expressed concerns about providing the right of way extension to Fox Meadows Rd. if a subdivision or more apartments were constructed above this site. One option would be to leave the plan as-is to leave right of way options for extension.

**Action:** Motion was made by Mr. Tomlinson to recommend approval to City Council with the Stipulations in the Staff report; 2<sup>nd</sup> by Mrs. Norris.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye.

**Findings:**

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to PD-RM. Although the subject property abuts a single family residence, 10.63 acre site will have a lower density with the addition of the 144 apartments than the units allowed per zoning code.

This will be Phase II of the Willow Creek Apartments in which 14 units per acre is being requested whereas the existing site (Phase I) was built at 18 units per acre. The terminus of Craighead Forest Rd. ends at the edge of the property and will continue north along the western edge and potentially connect to S. Caraway Rd. The Fire Department has been consulted regarding the expansion and is satisfied with accessibility. Two driveways provide ingress/egress on S. Caraway Rd. with a possible emergency access point planned for the future (Craighead Forest Rd. Extension).

The existing Willow Creek site was zoned R-3 and a conceptual plan was reviewed and approved by MAPC on July 2009. The development was reviewed by all City departments and has received most of their Certificates of Occupancy due to completion.

**Landscaping/Buffering:**

The site plan demonstrates green space, amenity area, 40' undisturbed buffer on North, South and East side, on the west side- a 60' undisturbed buffer (Future Right-of-Way of Craighead Forest Rd.). The plan also calls for three detention ponds and a 6' privacy fencing around the entire development. The buffering and greenspace/openspace proposal will exceed the requirements of the Zoning Resolution. A final landscape and lighting plan is required as part of the Final Development Plan review process if this petition is approved and adopted by ordinance.

**Parking:**

Three (3) buildings are proposed totaling 144 units (36 units ea.). The Jonesboro Code of Ordinances, ARTICLE VIII: OTHER STANDARDS AND REQUIREMENTS, Sec. 117-324. Off-street parking and loading, requires the following formula calculations:

**Multi-family Apartments**

- 1.25 per efficiency unit
- 1.75 per one-bedroom unit
- 2.25 per two-bedroom unit
- 3.00 per three-bedroom and larger units

This will yield: 333 Parking Spaces required including 8 ADA spaces; while 342 Parking Spaces will be provided including 18 ADA spaces.

**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Willow Creek Apts. should be evaluated based on the above observations and criteria, of Case RZ 11-03 a request to rezone property from R-1 & to PD-RM (maximum 144 units) and is recommended to the City Council for approval with the following stipulations:

1. The applicant shall file a Final Development Plan to the MAPC detailing all site requirements as approved during the Preliminary Plan process.
2. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
3. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.
4. That a lighting and landscape plan be submitted and approved as part of the Final Development to the MAPC prior to any development of the 10.63 acres including perimeter fencing.
5. That the final plat shall quantify the minimum area of green space is dedicated per Zoning Ordinance.
6. The maximum number of units shall not exceed 144 units.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

## SITE PHOTOGRAPHS



*View looking North along S. Caraway Rd.*



*View looking East at Fox Meadow Elementary School.*





*View looking West of Willow Creek Apartments from S. Caraway.*



*View looking West of apartment entrance (south).*



*View looking West of apartment entrance (north).*



*View Looking North of subject property.*



*View looking East within the Willow Creek Apartments complex.*



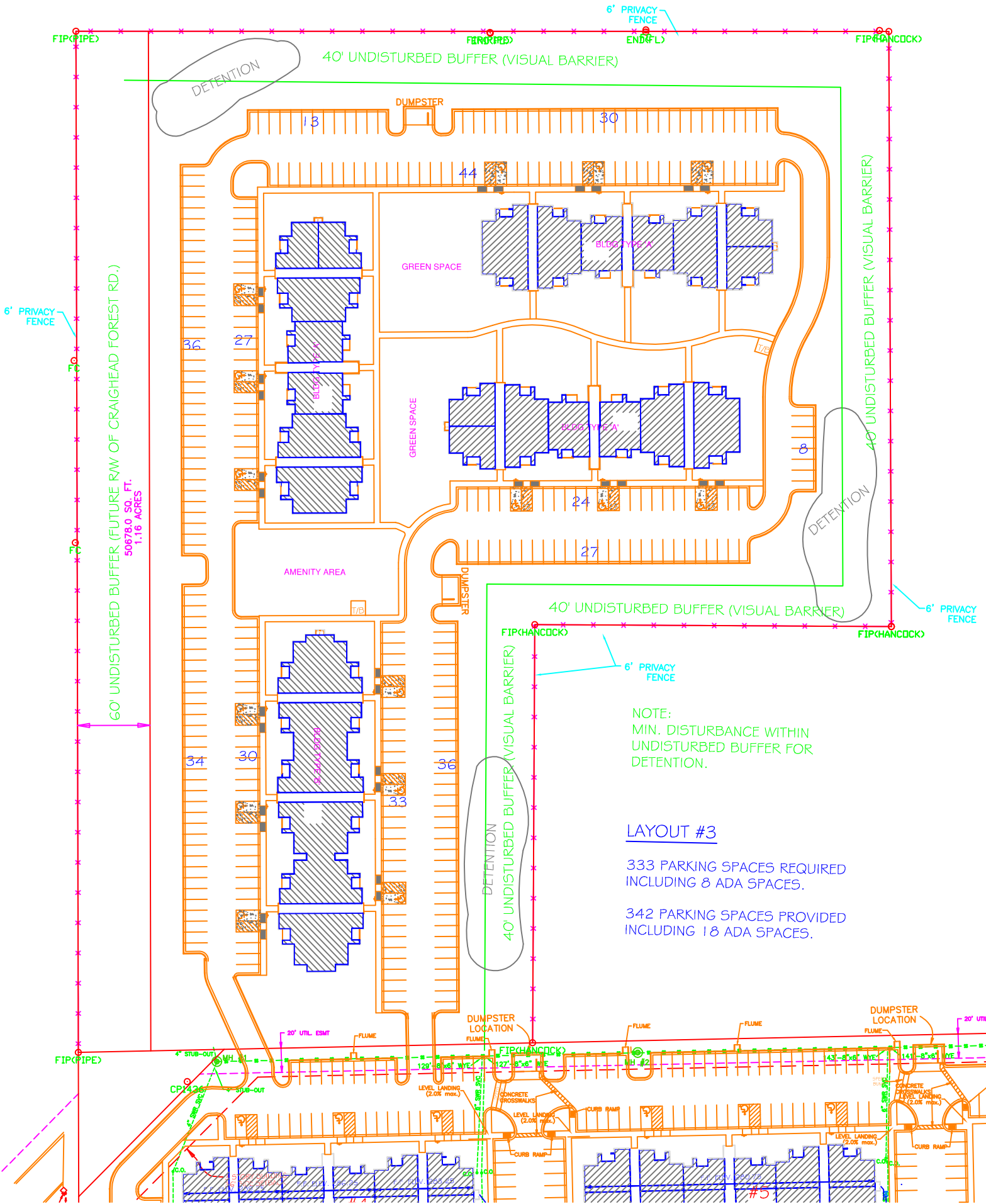
*View Looking Northeast at subject property (End of Craighead Forest Rd.).*



*View Looking North of residence abutting subject property.*



*View looking East of Willow Creek Apts. (rear property).*



NOTE:  
MIN. DISTURBANCE WITHIN  
UNDISTURBED BUFFER FOR  
DETENTION.

**LAYOUT #3**

333 PARKING SPACES REQUIRED  
INCLUDING 8 ADA SPACES.

342 PARKING SPACES PROVIDED  
INCLUDING 18 ADA SPACES.



## Legislation Details (With Text)

**File #:** ORD-11:026    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 3/9/2011    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AMENDING THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Plat](#)  
[Layout](#)  
[MAPC Report](#)  
[Annexation Application](#)  
[Petition to Accept Annexation](#)  
[Citizen email message - 1](#)  
[Citizen email message - 2](#)  
[Citizen email message - 2 - supporting info](#)

Date	Ver.	Action By	Action	Result
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title  
AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AMENDING THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS

body  
WHEREAS, a Petition was filed with the County Clerk of Craighead County, Arkansas, by the sole owners of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Jonesboro, Arkansas; and

WHEREAS, on February 16, 2011, the County Court of Craighead County, Arkansas, found that the Petition was signed by a majority of the real estate owners in said territory; that said territory was depicted on an accurate map of said territory, filed with and made a part of the said Petition, showing the Property to be contiguous and adjoining the present corporate limits of the City of Jonesboro, Arkansas; that proper notice had been given for the time and in the manner prescribed by law, and in all things pertaining thereto had been done in a manner prescribed by law, and that said lands and territories should be annexed to and made a part of the City of Jonesboro, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order; and

WHEREAS, the Jonesboro Metropolitan Area Planning Commission has recommended proper zoning of the said lands upon annexation approved by the City of Jonesboro, Arkansas; and

WHEREAS, it appears to the City Council that all applicable laws of the State of Arkansas and of the City of Jonesboro have been complied with in presenting this ordinance to the City Council.

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

SECTION I: The following described lands and territory contiguous and adjoining the City of Jonesboro, Arkansas, is hereby accepted as part of and annexed to and made a part of the City of Jonesboro, Arkansas:

TRACT I

PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 14 NORTH, RANGE 5 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 1 AFORESAID; THENCE SOUTH 89°15'06" WEST, 296.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY #49, ALSO THE POINT OF BEGINNING; THENCE NORTH 33°13'03" EAST ALONG SAID HIGHWAY RIGHT-OF-WAY 1,051.16 FEET; THENCE NORTH 62°16'57" WEST 292.54 FEET; THENCE NORTH 01°10'29" EAST 286.88 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 89°14'17" WEST 2,644.36 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00°36'15" WEST 1,297.69 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 89°15'06" EAST 2,335.25 TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,426,321 SQ. FT. OR 78.66 ACRES, MORE OR LESS.

SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD (hereinafter referred to as "Tract I"); and

TRACT II

THE NORTH 210 FEET OF THE EAST 420 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS.

CONTAINING IN ALL 88,235 SQ. FT. OR 2.03 ACRES, MORE OR LESS.

SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD (hereinafter referred to as "Tract II") (collectively, Tract I and Tract II will be referred to as the "Territory").

SECTION II: That the above described Territory shall be annexed to and made a part of Ward Three (3) of the City of Jonesboro, Arkansas, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

SECTION III: The Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Chapter 117 of the

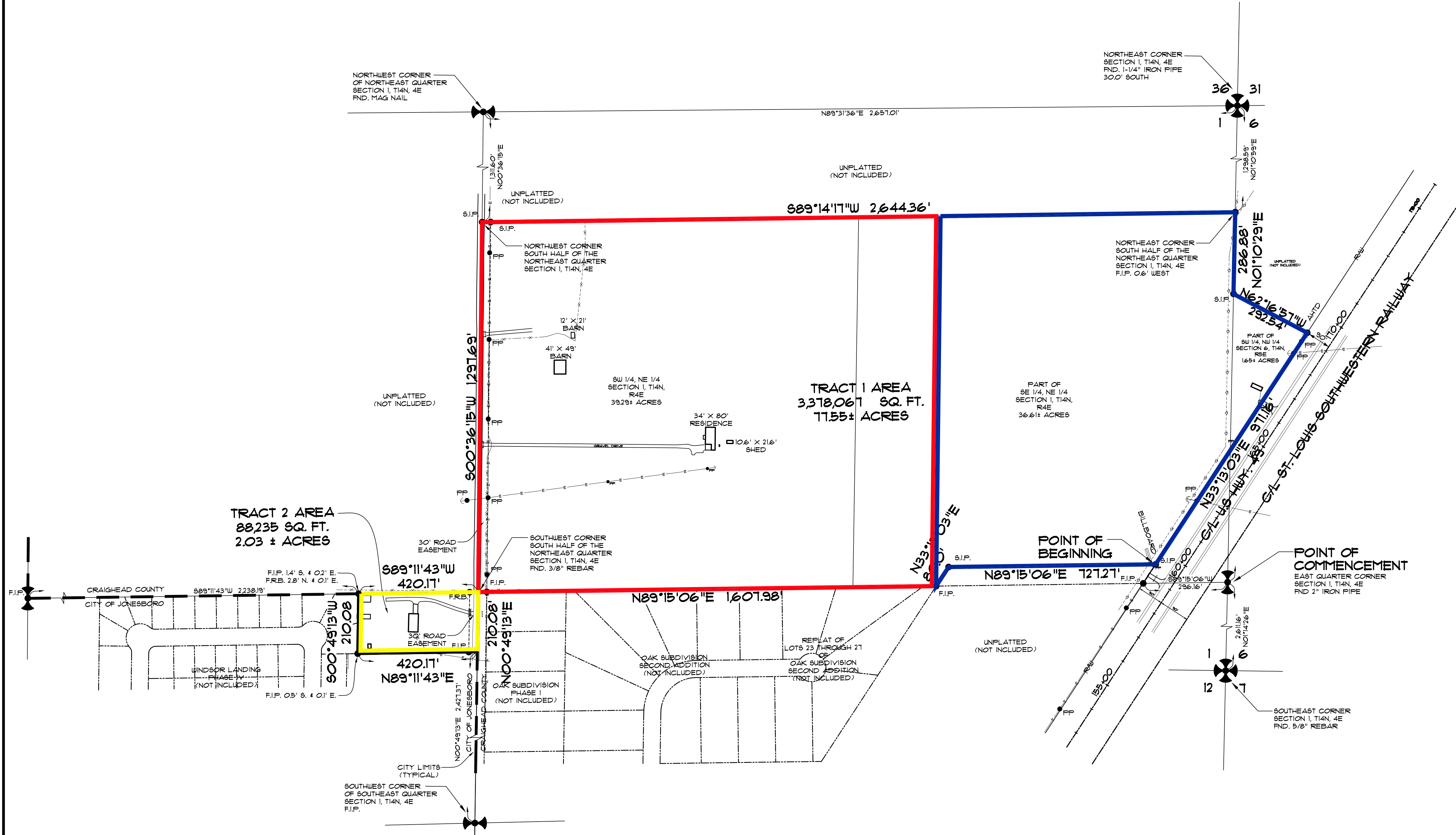
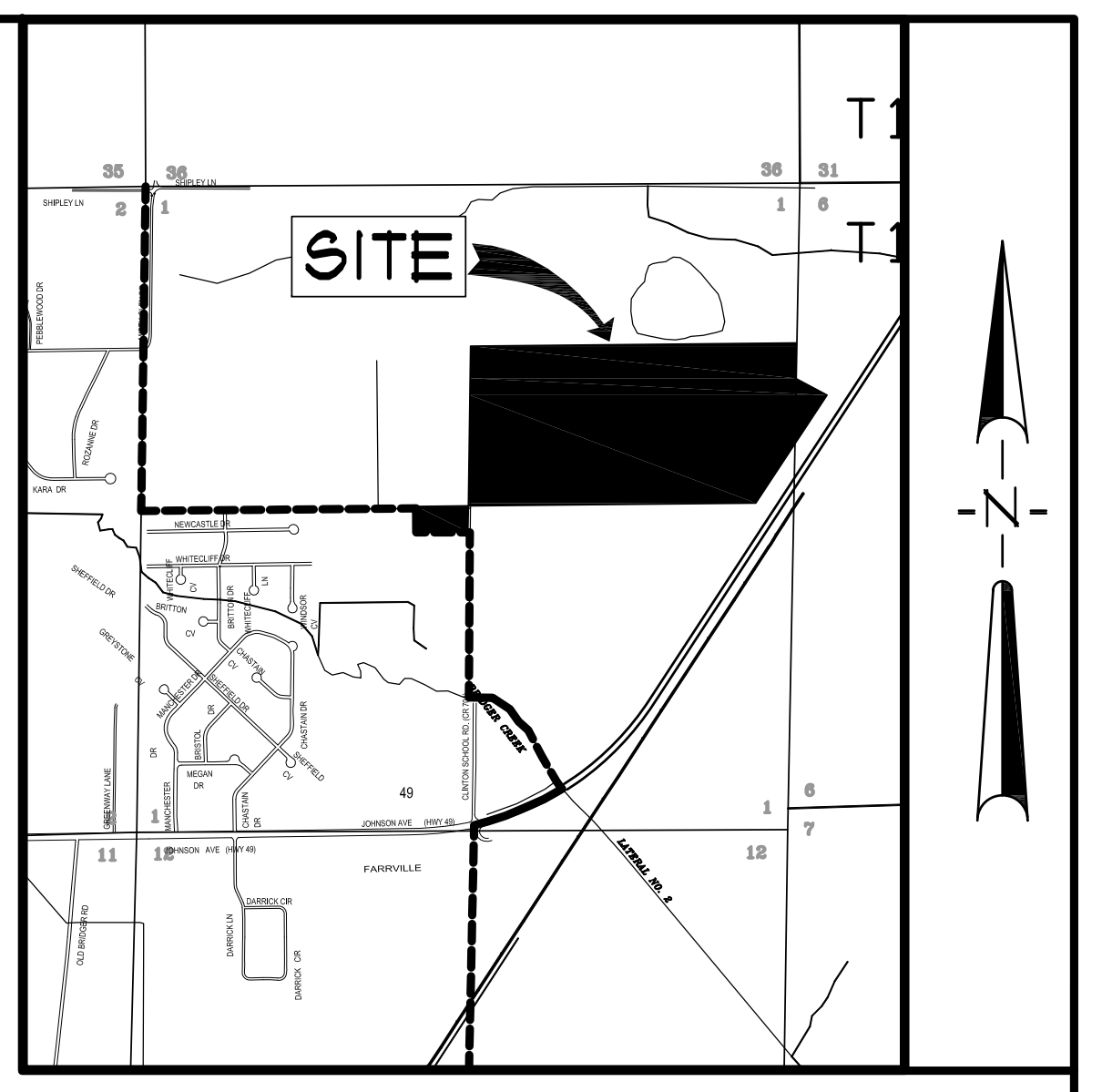
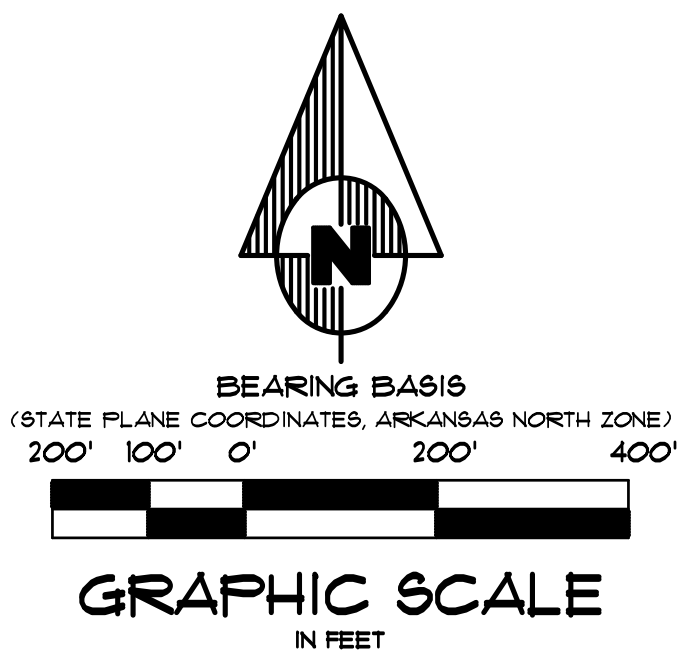
Jonesboro Municipal Code, should be, and it hereby is amended so that Tract I is zoned as the "C-3" classification, and Tract II is zoned the "RS-5" classification.

SECTION IV: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION V: 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.

SECTION VI: Because of the nature of real estate transactions and the construction of significant developments such as this, and because of the need to quickly and efficiently construct the new facilities and convert the existing Fair property into developed and usable property, and in order to prevent abandonment, waste, and deterioration, this Ordinance is necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Jonesboro, Arkansas, and an emergency is therefore declared to exist and this Ordinance shall be in full force and effect from the date of its adoption.





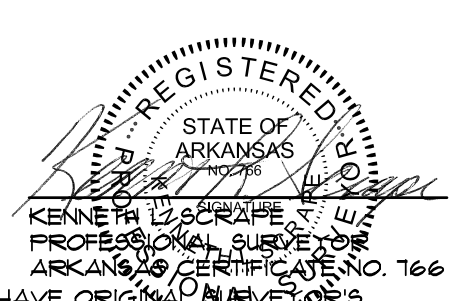
- PROPERTY OWNERS**
- REX GILBERT AND CONNIE GILBERT
  - PHILLIP T. HUDSON, P. B. HUDSON, ANDREW T. HUDSON AND ALEAH HUDSON
  - ROBERT F. MCCALL AND SHIRLEY M. MCCALL

- LEGEND**
- BOUNDARY LINE
  - - - ADJACENT LOT LINES
  - - - EASEMENT LINES
  - F.I.P.
  - S.I.P.
  - P.P.
  - SET 1 1/4" IRON PIPE W/PLS #631 CAP
  - POWER POLE
  - NATURAL GAS LINE
  - EXISTING FENCE
  - OVERHEAD ELECTRIC

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT ASSOCIATED ENGINEERING AND TESTING, LLC HAS 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: 01/14/11



NOTE: TO BE VALID COPIES MUST HAVE ORIGINAL SURVEYOR'S SIGNATURE AND SURVEYOR'S SEAL.

**TRACT 1 DESCRIPTION**

PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST AND PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 14 NORTH, RANGE 5 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 1 AFORESAID; THENCE SOUTH 89°15'06" WEST, 236.16 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 49; THENCE NORTH 33°13'03" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 90.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°13'03" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 911.6 FEET; THENCE NORTH 62°16'51" WEST, DEPARTING FROM SAID WESTERLY RIGHT-OF-WAY LINE, 292.54 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 01°02'29" EAST, ALONG SAID EAST LINE, 286.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00°36'15" WEST, ALONG THE WEST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1, 1291.69 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 89°15'06" EAST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1, 1607.98 FEET; THENCE NORTH 33°13'03" EAST, DEPARTING FROM SAID SOUTH LINE, 80.0 FEET; THENCE NORTH 89°15'06" EAST 121.21 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,318,067 SQ. FT. OR 77.55 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

**TRACT 2 DESCRIPTION**

THE NORTH 210 FEET OF THE EAST 420 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS.

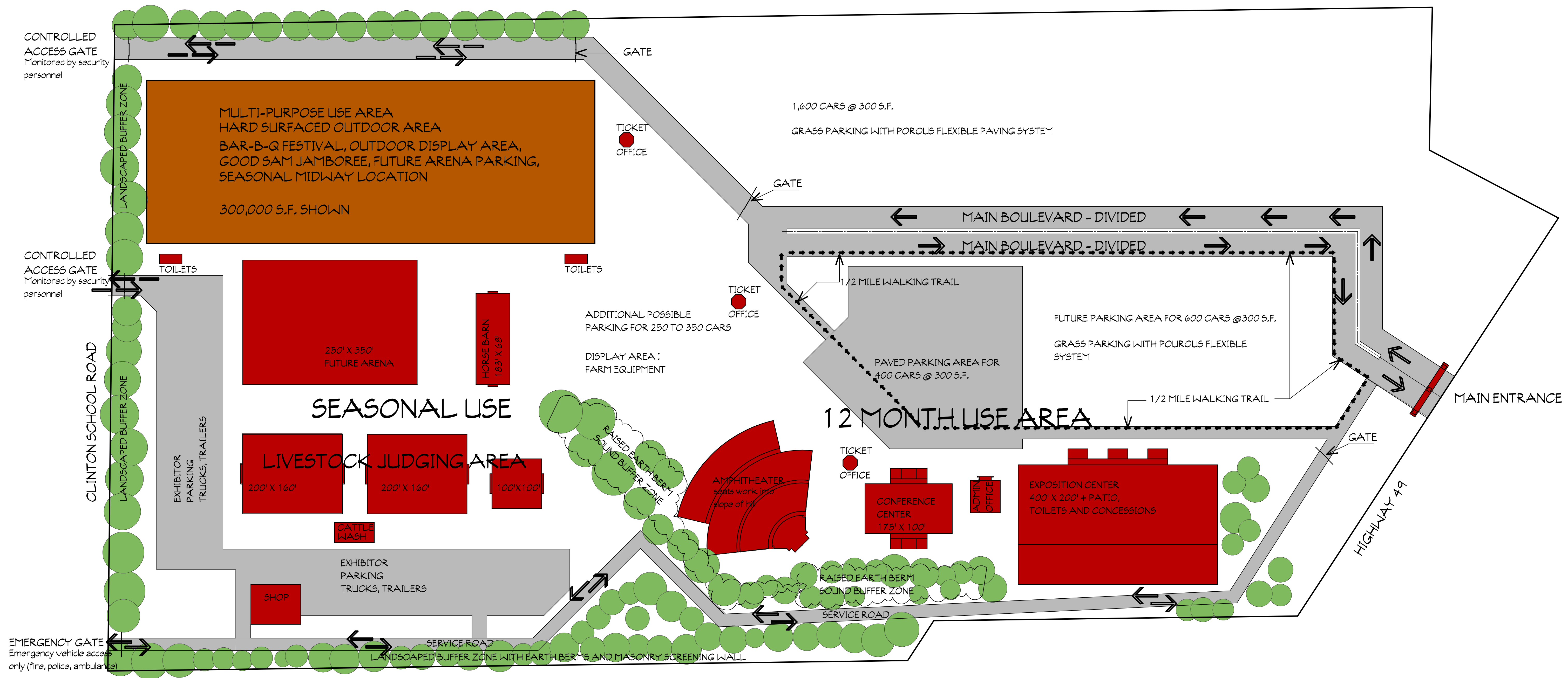
CONTAINING IN ALL 88,235 SQ. FT. OR 2.03 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

REV	DATE	REVISIONS	DRAWN	CHKD

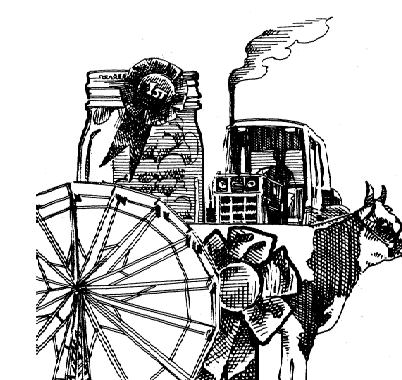
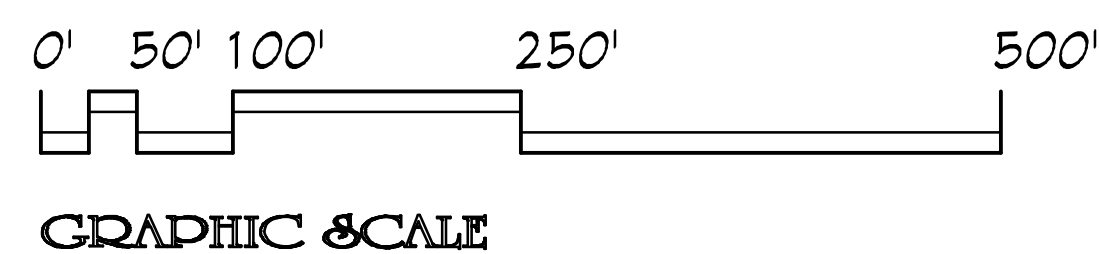
**ASSOCIATED ENGINEERING AND TESTING, LLC**  
CIVIL ENGINEERING, LAND SURVEYING AND MATERIALS TESTING  
103 SOUTH CHURCH STREET - P.O. BOX 1462 - JONESBORO, AR 72403  
PH: 810-932-3594 FAX: 810-935-1263

**BOUNDARY SURVEY FOR ANNEXATION IN SECTIONS 1, T14N, R4E & 6, T14N, R5E JONESBORO, ARKANSAS**

DRAWN: KLS CHECKED: KLS DATE: 01/14/11 SHEET: 1 OF 1  
SCALE: 1" = 200' CADD FILE: 1061-002 DWG#: 041401-0001



RESPONSE SITE PLAN



NORTHEAST ARKANSAS EXPOSITION  
 AND CONFERENCE CENTER  
 JONESBORO, ARKANSAS



*City of Jonesboro Council*  
**Staff Report – AZ11-01/RZ 11-08: Hudson/McCall/R.&C. Gilbert**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

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

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

**APPLICANT/**

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

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

**SITE DESCRIPTION:**

Tract Size:	Approx. 80.69 +/- acres, 3,514,556 Sq. ft. +/-
Frontage:	Approx. 1,507.77 CR701ft.; 971.16ft. on Hwy. 49N.
Topography:	Predominantly Flat, Gently Sloping
Existing Devolpmt.:	Single family/vacant

**SURROUNDING CONDITIONS:**

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

**HISTORY:** No History, County Land

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

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

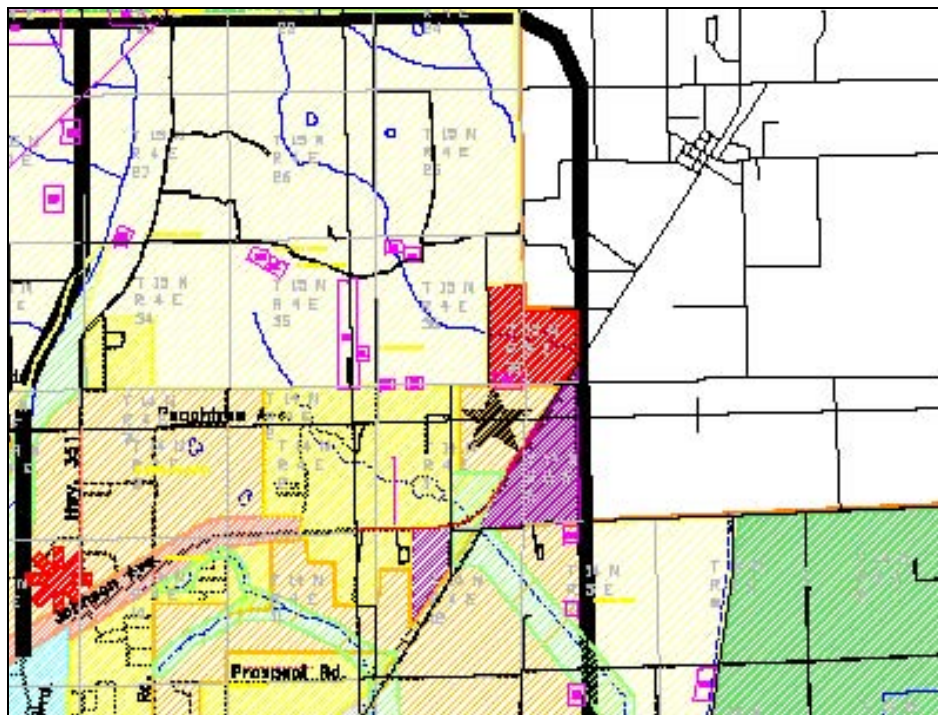
The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

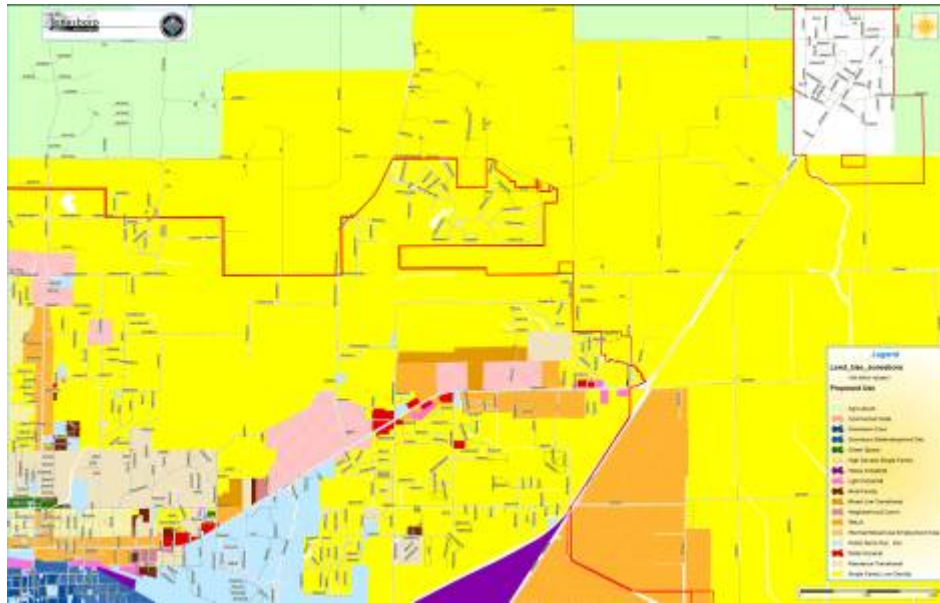
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

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



1995 Land Use Plan



2010 Land Use Plan

**MASTER STREET PLAN/TRANSPORTATION**

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

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



Zoning/Vicinity Map

## **MAPC Public Hearing- Record of Proceedings For March 8, 2011:**

**Applicant: Mr. Ralph Waddell, Atty.:** representing the owners/petitioners and the Craighead County Fair Association: We are seeking to have approximately 80 acres located off of Hwy. 49 N. annexed into the City of Jonesboro and rezoning of Tract 1- 78 acres zoned to C-3 General Commercial and a 2-acre Tract 2 to RS-5 Single Family Residential. In advance we provided you with a packet of information on the Fair Association itself, the preliminary building plans and concerns raised by the neighboring land owners and how we've attempted to address those concerns.

**Mr. Ralph Waddell, Atty.:** The property is under contract with the Craighead County Fair Association. And the Fairgrounds wishes to develop a state of the art exposition conference center that can be used to not only host the fair but also a wide variety of community activities. The Fair is a not-for-profit corporation composed of representatives from the Jonesboro Jaycees and also Craighead County Farm Bureau. The primary function is to manage and maintain and operate the fairground site. Jonesboro has been officially designated by our Governor as the site of the NEA district fair that is a seasonal activity held each September and it lasts about 6 days. The rest of the year, the fairgrounds are used for a number of events including Duck's Unlimited, St. Jude's Super Bowl Extravaganza, Pancake Days, and it is used for rentals by Cooperate Groups for trade shows, vendor shows and cooperate outings. It is used by Civic clubs, 4-H clubs, and Girl Scout activities. I know you are familiar with the current location on Stadium Blvd., the current site is no long adequate to serve the needs that we need to host; the buildings are old and obsolete and undersized we have limited parking and the area is land-locked with no opportunity to expand; it is located on of the most prime commercial districts in Jonesboro. Just about everyone agrees the fairgrounds should be relocated from that area; the question is where. For the last 10 years, the Fair Board created a long range planning committee to develop plans for a new facility and to accommodate the changing needs of the fair; and to seek and evaluate potential sites. It developed site criteria for the new location. In using that site criteria for the last 4 years we have searched and evaluated 10 sites before deciding on this one. It meets all the criteria in terms of access, topography, soil types, secondary access, etc. In the opinion of the Fair Board it is the best location for this conference and exposition center.

**Mr. Ralph Waddell, Atty.:** As noted by the by the city planner in the report, the site can be developed within the county today as a matter of right. But the Fair is seeking annexation into the City of Jonesboro primarily for services including utilities. By seeking annexation, the Fair is willing to subject itself to City codes, City Building Codes, and the other things that govern building construction and land use. We are seeking zoning and annexation and not permission to build. This project is a 10- year /\$12 million dollar project. With two distinct areas of use: season use area (Fair, livestock shows), and a 12 month use area (Buildings for Community charitable and commercial events). The seasonal use areas are placed on the site to minimize the impact to the neighborhood. It will be constructed to blend in with the existing topography. Of the 78 acres only 10 % of the area is buildings; so there is plenty of green and open space. The fair desires to be a good neighbor. There have been 3 separate community meetings, where the Fair listened to the concerns and responded to concerns and made certain commitments. We outlined those in your packet, including strategically locating the buildings to create buffer zones with fast growing trees, landscaping etc. to eliminate noise. Constructing a masonry fence on the southern boundary between those houses directly affected and limiting some of the access on Clinton School Rd. We have committed to assist the neighbors living in the Oak Subdivision to the south, to be annexed into the City of Jonesboro in paying surveying and legal costs to annex them. This will give them available city sewer, lower water/utilities costs, garbage collection, etc.

**Mr. Ralph Waddell, Atty.:** Regarding the Land Use Plan: the proposed site is not in the City limits. It is not zoned; we are requesting C-3 zoning to accommodate the activities. We think the C-3 is compatible with the Land Use Plan; proceeding away from Hilltop, and proceeding east, there is already commercial in that area. There is lot of property for sale for Commercial use in addition to the 76 acre NEA Baptist Memorial Hospital site with certain business along that same area. Commercial development will eventually connect Jonesboro to Paragould not residential development. The annual fair plays a small part of what the grounds will be used for. The fair is committed to developing this site, and want to be good neighbors and annex into the City. We are asking the MAPC to adopt the recommendations of the Planning Staff for annexation and rezoning.

### **Opposition:**

**Jim Lyons, Atty.:** On behalf of the opponents, presented handouts. There are a number of residents in opposition. All person in opposition stood: *Approximately 50 persons were present.* **Mr. Lyons** stated that the use is not consistent with the Land Use Plan, which is about 14 to 15 months old. (Jan. 5, 2010 adopted) We need to be consistent with the Land Use Plan; it should be rejected. **Mr. Lyons** disagreed with application, Item No. 9- on Adverse Affect. It says it should not adversely affect any of these. Everybody understands that anyone living next to the fairgrounds would not agree. If you look in the booklets you see the photos of the back of people's property. It will not just be the fairgrounds in September, but 4<sup>th</sup> of July activities and others. Not just the one-week activities, but the future use is a concern. **Mr. Lyons** noted that he does a lot of condemnations in high traffic areas that are great for commercial uses; but horrible for residential properties. High traffic is important to commercial development. Application, Item No. 1, Impact on utilities, streets, drainage, fire, and medical services was questioned. It will have a number of effects. It may provide utilities, but it will do nothing for the streets, but provide problems for drainage. A walking track is the only thing on the plan.

**Mr. Lyons:** This area is intended for single family residential and it is not important what may occur in 2030. More importantly, the last item in the folder: this doesn't comply with the Jonesboro Code of Ordinances, Article 7, Chapter 117- Parking, Section B.: Parking and Loading schedule. Off-street parking shall be provided with the schedule, with minimal surfacing (See # 5)- *all required parking and driveways shall be paved with asphalt concrete or brick...* They are asking you to disregard the ordinance, and to disregard the requirements with the grass parking, with the porous flexible paving system. Comments were made on curbing, drainage and run-off also. **Mr. Lyons** commented on the parking calculations where they calculated needing 2600 cars. He calculated a little higher than that (2,655 cars). **Mr. Lyons** calculated the landscape formula also at 780 shrubs in this area.

**Mr. Lyons** also referred to Page 9 and 10 of 12- Residential Compatibility Standards. High density and non-residential areas is an issue. They are in violation of the Jonesboro Code. Page 11 of 12 Site Design Standards: exterior lighting shall be minimized. Fairgrounds will not minimize lighting, as they wish to build an outdoor arena for concerts, with sound similar as Mud-island; proposing to serve 4,000 to 5,000 people, with concerts similar to ASU. For the night of the concert they will have large number of people going in and cleaning up there, but not cleaning the resident's properties. We believe it should be denied.

**Mr. Ralph Waddell, Atty.:** We received a petition of signatures from 39 people that are in support of the annexation from the Oak Subdivision. **Mr. Waddell** gave comments on the land use plan which was a default position on lands out in the County. He read the staff report

comments on the Land Use. The 1995 plan was referred to, where it recommended a regional commercial center north of this site, as well as provided for a park area on this site.

**Mr. Waddell** stated that they have engaged Ernie Peters, Peters Associates, to work out traffic issues. We have consulted with AHDT. We have been in discussion with Jonesboro fire and police who do not oppose. Paving, Curbing, and Landscaping will be dealt with during the site plan process.

**Mr. Spriggs** summarized the Staff Report. He gave comments on the Land Use Plan. The 1995 plan does refer to a regional commercial use north of this site. We would construe the fairground use as "outdoor/indoor recreational uses", which are allowed as of right in C-3 Commercial, but as a conditional use in AG-1 Districts as well as in RS-1 & RS- 2 Single Family Districts (large lot districts). That option is available for such uses. We noted in the staff report, the Master Street Plan recommendations. CR 701/Clinton School Road is in need of improvements. Access management would require such improvements. We will be taking in ½ right of ways on CR701 and right of way dedication will be necessary. Fire and Police reports were provided and no issues of concern were raised. Buffering was a concern by staff and the applicant has noted compliance will be made. This, if approved will come back to the MAPC as a site plan review.

**Mr. Spriggs** added that the flex paving system parking is a new concept. The city engineering department would prefer the system from a storm water management perspective. They will be required to meet all City Stormwater regulations as required during permitting.

**Mr. Joe Tomlinson** asked about the Master Street Plan for Clinton School Road, which is a collector road which requires 80 ft. of right of way/ 60 ft. minimum required.

**Larry Cliff**, 287 CR705: Stated that he represents 41 homeowners; 24 separate lots. We have no objections to the Fair Association and they want to be our good neighbor.

**Mr. Scurlock:** Noted that it seems like we have 2 issues. If the fairground is annexed or if they are not; we have less control. **Mr. Spriggs** clarified that if it were developed in the County, there will be no City required design standards applied. Details on CR701 were asked.

**Mr. Kelton** referred to a new law, **Act 116** that the fairground be held in Craighead County. It will be the permanent home.

**Mr. Lyons.** The law is now in Craighead County. We think they will go somewhere else and develop if not approved.

**Mr. Waddell** clarified that the Fair Board is committed to developing this particular site as part of the City or County.

**Mr. Kelton:** Act 116 restructures the Board of Directors; now there is one director from each County for the NEA Fair- We can't lose control of the ball here can we?

**Mr. Eddie Burris**, NEA District Fair Board President and the County Fair Association: Stated that Act 116 is the act that makes Jonesboro the present and permanent home of the Northeast Arkansas District Fair. The law set up an advisory board, with 1 member from each county as an advisory commission only. It is an advisory capacity to make recommendations to the Board on livestock changes or the implementation of new plans or regulations in live stock procedures to just deal with the 6 days of the district fair.



**Mr. Hoelscher:** Stated that it appears that a number of the residents are in favor of this based on the provision of being annexed into the City as well; and the Fair Board has made the offer to participate in that as well. What ability or latitude do we have in including that in this recommendation, if one is made?

**Mr. Spriggs:** Because it would necessitate a separate process though a petition to the County Judge, I would recommend that we weigh that separately and on its own merit. Comments are fine at this time; however it would be premature without the boundary information of all affected parties. From a long-range planning perspective, it would be a concern of Staff that that area is considered for annexation in the near future, due to the cohesiveness of the Zoning and City limits map. We do have the ability currently to cover this area in our long range planning efforts, by State law under our extraterritorial jurisdiction area beyond the city limits. That would need to be a separate petition and order from the Judge with a similar process as what we have tonight.

**Mr. Roberts** asked about the Fair Board's commitment to assist in that process. **Mr. Spriggs:** It is my understanding that they have made agreements and concession to take care of that process.

**Mr. Ralph Waddell:** We have agreed to pay for the legal and surveying costs, if they have the requisite number of people that would be required for annexation.

**Mr. Tomlinson:** How long is that offer open? **Mr. Ralph Waddell:** there is no expiration date on it.

**Mr. Kelton:** As I understand it that if you are within a certain distance of a City sewer, you are expected to connect to it?

**Mr. Spriggs:** Because of the Health Department Standards, for those persons on a septic system- if they are within that 300ft. proximity to a local public sewer system, at the time of failure of their system, they would then be required to connect. The Fair Board has committed to participate in assisting with those extensions/connections.

**Mr. Ralph Waddell:** We have agreed to contribute a significant amount of money to the extension of that sewer line; that they can tap into the sewer main at a reduced cost.

**Mr. Lyons:** They have not agreed to a specific amount, nor have they indicated what the cost would be for all those residents. Those costs to connect are extremely expensive. They have not committed to paying all of that.

**Mr. Ralph Waddell:** The projected cost of that extension will be \$176,000; the Fair Board is committed to contributing up to \$100,000 (a significant portion). We are working very closely with CWL. The savings on the utility bills will offset the land owner's costs to connect.

**Ms. Norris** clarified the 300 ft. connection requirement stated earlier by Staff.

**Gene Vance:** We have employed an engineer to give us a preliminary sewer plan, and we have worked that preliminary plan with City Water Light. The \$176,000 includes the sewer mains within the Oak Subdivision, the yard lines to every house; so there are no additional charges outside the \$176,000. The Fair Board is willing to pay up to \$100,000, leaving approximately \$76,000 to be paid for by the homeowners. City Water Light will finance over

15 year period the costs. We are not sure to the penny, but that cost may be between \$25 and \$30 per household on their future sewer bill. Their sewer bill will be approximately \$15.00 per month based on water usage, which will make it \$40 to \$45 per mo./household for sewer. We ran examples of 2 electrical bills for the past 2 years of the home owners, and the smallest was a savings of \$500.00 year or approximately \$40.00 per month. So the savings on the electricity alone will almost pay for every home owner to have sewer there. Some of the septic systems in the area are already failing. That's why there are so many home owners that want to be on city sewer. We are offering to help them with that. This is not required but the Fair Board is trying to be good neighbors. They will save a \$1.50 mo on water bill (surcharge of \$1.50 will go away). Most of the Oak Subdivision residents pay \$48 per quarter or \$16 per month for sanitation. That \$16.00 goes away on garbage. They will save 20-30 percent, depending on insurance carrier, on their fire protection on their home owner policy. When the contractor completely runs the yard lines, it will be grassed back over, so they won't tell it was there.

**Mr. Kelton:** Asked about the traffic on CR701.

**Mr. Vance:** We have 3 acres on CR701. This is a preliminary plan; we will bring back a site plan to you. The southern drive on CR701 is only for service access for fire, police and ambulance service. The middle drive is for the livestock exhibitors. Personnel will restrict access for the livestock area; that gate will be manned during all activities. The northern gate will be only open during the day and locked at 11pm and not opened until the next day. The northern gate is for the workers only.

*Concerns on CR701:* If the County Judge will released CR701 and the City Engineer will accept the right of way of CR701, that we will work and try to get the right of way on the west side brought in, where CR701 will be a City street. It will be up to the County Judge and our City Engineer. We will work with the Mayor and the County Judge to have the road paved all way to CR702 as has been promised. Public access will be off Hwy. 49N only. The only exception, and we haven't gotten our report back from Peters and Associates is that after 9:00 at night, we may open up access CR701 northbound only with off duty police or the National Guard to lead the cars to 702 to go east or west at the signal light on Hwy. 49. But CR701 will be paved to CR702 as promised. All public access will be off Hwy. 49. Everything we are doing to Hwy. 49 will be approved by AHDT in Little Rock.

**George Adams-** Lives on County Road 7450, spoke about other county roads that are not setup to handle the fair traffic. Two cars can barely pass. I built out there so my daughter can play in the yard. The fair it is ok for one week, but we have to deal with the folks that travel in an out of there. Our theft in that area will increase. I don't know how the area will be patrolled. We've had some problems out in that area. We have trouble getting police out there. I oppose it because of the traffic.

**Ray Elliot,** 696 CR702. They stated in the neighborhood meeting that their traffic for all the horses and the Carnival rides will come down CR702 and come down to CR701; that road is not acceptable. This is a rural area. This will tear the roads up. They are saying that they come in off Hwy. 49 but all the trailers and rides will come on CR702 and come down CR701.

**Mr. Vance:** It is a County Road. Our intent is not to bring in heavy equipment and rides and trailers down CR702. Our fair manager, who is present tonight, will ensure that the carnival rides which set up day before will come in off of Hwy 49. We are talking about workers and pick-up trucks with trailers.

**Action:** Mr. Roberts made a motion that MAPC grants and recommends approval to City Council for the annexation and the rezoning to C-3 and RS-6 Zoning District. Motion was 2<sup>nd</sup> by Mr. Scurlock.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6-0)

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**Findings:**

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

The nature of the proposed community event center is typically seasonal; therefore any impact on the surrounding community should pose as minimal and temporary, while providing for much needed open space and recreational area in this region of Jonesboro, which lacks community parks. In fact this use will provide for some active recreation, with the ½ mile walking trail amenity included in the proposal.

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

**Police and Fire Safety**

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

**Screening/Buffering:**

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

**Parking:**

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

**Conclusion:**

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

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

## SITE PHOTOGRAPHS



*View looking West Towards Windsor Landing Subdivision ( SW of Site)*



*View looking North along Clinton School Rd. (CR701)*



*View looking South along Clinton School Rd.(South of Subject Property)*



*View looking Northeast along unimproved CR701.*



*View looking South along unimproved CR701 (Site to left)*



*View looking Northeast along Hwy 49N*



*View Looking Southwest along 49N, Commercial Uses in the County*



*View looking North-West towards project site*





*View looking Southwest towards Commercial fronting on Hwy. 49N*



*View looking Westerly towards Hwy. 49N (site in background)*



*View looking Westerly towards Hwy. 49N (site in background)*



*View looking Westerly towards Hwy. 49N (site in background)*



*View looking Westerly towards Windsor Landing Subdivision (Clinton School Rd.)*



*View looking west towards single family lot (Tract 2) 2.03 acres*



*View looking at home immediately south of Tract 1*



*View looking at home immediately south of Tract 1*

(S)



METROPOLITAN AREA  
PLANNING COMMISSION  
Jonesboro, Arkansas

# Application for a Zoning Ordinance Map Amendment

Date Received: 02-17-11  
Case Number: RZ-11-08/AZ11-01

**LOCATION:**

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

Side of Street: W between Highway 49 and CR701

Quarter: NE Section: 01 Township: 14N Range: 4E  
NW 06 14N 5E

Attach a survey plat and legal description of the property proposed for rezoning. A Registered Land Surveyor must prepare this plat.

**SITE INFORMATION:**

Existing Zoning: N/A Rural Property Proposed Zoning: C-3 for Tract 1 (78.66 acres)  
RS-5 for Tract 2 (2.03 acres)

Size of site (square feet and acres): 3,514,556 SQ FT – 80.69AC Street frontage (feet): Highway 49 –  
CR 701 – 1,507.77' 971.16'

Existing Use of the Site: VACANT

Character and adequacy of adjoining streets: Highway 49 – 5-lane state highway,  
CR701 – County road – gravel surface due to be paved.

Does public water serve the site? YES

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

Does public sanitary sewer serve the site? NO

If not, how would sewer service be provided? Sewer Extension by Developer to connect to CWL services at developer's expense.

Use of adjoining properties:

North Rural – not in city limits  
South RESIDENTIAL -(Rural subdivision)  
East COMMERCIAL -(Rural – not in city limits  
West Rural (developing)

Physical characteristics of the site: VACANT SITE

Characteristics of the neighborhood: OLDER SINGLE FAMILY RESIDENTIAL, WITH GROWING COMMERCIAL AND RESIDENTIAL IN THIS AREA

*Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17<sup>th</sup> of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.*

## REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. *Please prepare an attachment to this application answering each of the following questions in detail:*

- (1). How was the property zoned when the current owner purchased it? N/A
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? TO DEVELOP A COMPLETE COMMUNITY ACTIVITY CENTER TO INCLUDE THE NORTHEAST DISTRICT FAIR (ONE WEEK IN SEPTEMBER).
- (3). If rezoned, how would the property be developed and used? TO DEVELOP A COMPLETE COMMUNITY ACTIVITY CENTER TO INCLUDE THE NORTHEAST DISTRICT FAIR (ONE WEEK IN SEPTEMBER).
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? PRELIMINARY DESIGN CALLS FOR APPROXIMATELY 200,000 SQUARE FEET OF DEVELOPMENT FOR THE 10 YEAR PLAN.
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? NO, IS NOT CONSISTENT WITH THE CURRENT LAND USE PLAN.
- (6). How would the proposed rezoning be in the public interest and benefit the community? IT WOULD ALLOW DEVELOPMENT OF COMPLETE COMMUNITY ACTIVITY CENTER.
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? ZONING WOULD BE CONSISTENT WITH THE CONTINUING DEVELOPMENT ALONG HIGHWAY 49 NORTH WITH THE PROPERTY CURRENTLY NOT IN THE CITY.
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? DEVELOPMENT COULD BE COMPLETED WITHOUT ANNEXING THE PROPERTY. HOWEVER, THE DESIRE OF THE DEVELOPER IS TO BE WITHIN THE CITY LIMITS IN ORDER TO DEVELOP ACCORDING TO CITY CODES AND ORDINANCES.
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property. THIS REZONING SHOULD NOT ADVERSLY AFFECT ANY OF THE ABOVE.
- (10). How long has the property remained vacant? THE PROPERTY HAS REMAINED VACANT FOR SEVERAL YEARS EXCEPT FOR THE ONE OCCUPIED FARM HOME ON THIS PROPERTY.
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? IT SHOULD HAVE MINIMAL IMPACT ON THESE SERVICES WITH THE DEVELOPER EXTENDING CWL UTILITIES TO THIS PROPERTY IT SHOULD HAVE A POSITIVE IMPACT ON THE AREA. ALSO THE ULTIMATE UTILIZATION OF THIS PROPERTY IS CONSISTENT WITH THE NEED FOR ADDITIONAL NEIGHBORHOOD PARKS AND OPEN AREAS.
- (12). If the rezoning is approved, when would development or redevelopment begin? WOULD LIKE TO PERMIT CONSTRUCTION IN EARLY SUMMER.
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.* MEETINGS WERE HELD TO DISCUSS THE PROPOSED DEVELOPMENT.
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

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**OWNERSHIP INFORMATION:**

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

**Owner of Record:**

I certify that I am the owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Signature: \_\_\_\_\_

**Deed:** Please attach a copy of the deed for the subject property.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Signature: \_\_\_\_\_

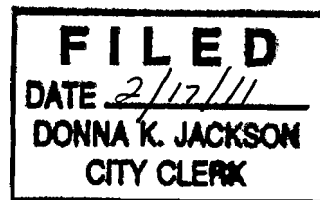
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

**Applicant:**

If you are not the Owner of Record, please describe your relationship to the rezoning proposal:

*Royal W. Waldell Attorney for  
Petitioners, Philip J. Hudson, Robert McCall,  
Rex Gilbert, Connie Gilbert, Sandra McCall*  
Name: \_\_\_\_\_  
Address: 300. South Church, P. O. Box 1700  
City, State: Jonesboro, Ar ZIP 72403  
Telephone: 870 - 931 - 1700  
Facsimile: 870 - 931 - 1800  
Signature: Royal W. Waldell

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**PETITION TO ACCEPT THE ANNEXATION OF CERTAIN LANDS  
INTO THE CITY OF JONESBORO, ARKANSAS**

Come the Petitioners, Rex Gilbert and Connie Gilbert, Philip T. Hudson, and Robert F. McCall and Sandra McCall (collectively, the "Petitioners"), by and through their attorneys, Barrett & Deacon, P.A., and for their Petition to Accept the Annexation of Certain Lands into the City of Jonesboro, Arkansas, states the following:

1. Petitioners are the sole owners of the following described property which is contiguous to the city limits of the City of Jonesboro, Arkansas:

PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 14 NORTH, RANGE 5 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 1 AFORESAID; THENCE SOUTH 89°15'06" WEST, 296.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY #49, ALSO THE POINT OF BEGINNING; THENCE NORTH 33°13'03" EAST ALONG SAID HIGHWAY RIGHT-OF-WAY 1,051.16 FEET; THENCE NORTH 62°16'57" WEST 292.54 FEET; THENCE NORTH 01°10'29" EAST 286.88 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 89°14'17" WEST 2,644.36 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00°36'15" WEST 1,297.69 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 89°15'06" EAST 2,335.25 TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,426,321 SQ. FT. OR 78.66 ACRES, MORE OR LESS.

SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THE NORTH 210 FEET OF THE EAST 420 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS.



CONTAINING IN ALL 88,235 SQ. FT. OR 2.03 ACRES, MORE OR LESS.

SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS AND RIGHTS-  
OF-WAY OF RECORD

(referred to herein as the "Property.")

2. On January 14, 2011, Petitioners filed a petition in the County Court of Craighead County, Arkansas, asking that the Property be annexed into the City of Jonesboro, Arkansas.

3. On February 16, 2011, the County Court entered an order approving annexation of the Property into the City of Jonesboro, Arkansas, subject to the approval of the City of Jonesboro.

4. A true and correct copy of the Order is attached hereto as Exhibit "A" and incorporated herein by reference. A true and correct copy of the applicable Plat of Survey is attached hereto as Exhibit "B" and is incorporated herein by reference.

5. Petitioners submit that annexing the Property into the City of Jonesboro, Arkansas, is in the best interest of the City of Jonesboro, Arkansas, and its inhabitants.

6. Petitioners respectfully request that the City Council of the City of Jonesboro, Arkansas, pass a resolution referring the matter to the Jonesboro Metropolitan Area Planning Commission to recommend a zoning classification of the Property, if annexed.

7. Petitioner further requests the City Council of the City of Jonesboro, Arkansas, to accept the annexation of the Property by Ordinance pursuant to A.C.A. §14-40-605, and assign the Property to a ward or wards.

WHEREFORE, Petitioners, Rex Gilbert and Connie Gilbert, Philip T. Hudson, and Robert F. McCall and Sandra McCall, respectfully request the City Council of the City of Jonesboro, Arkansas, pass a resolution referring their petition to the Jonesboro Metropolitan Area Planning Commission to make a recommendation as to the proper zoning classification prior to acceptance of the annexation; and that the City Council of the City of Jonesboro, Arkansas, pass an

ordinance accepting the Property into the City of Jonesboro, Arkansas; and for any other proper relief.

Respectfully Submitted,

Rex Gilbert, Connie Gilbert, Philip T. Hudson,  
Robert F. McCall, Sandra McCall

By: Ralph W. Waddell (85163)  
BARRETT & DEACON,  
A Professional Association  
P.O. Box 1700  
Jonesboro, AR 72403-1700  
(870) 931-1700

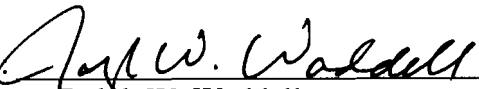
By:   
Ralph W. Waddell

EXHIBIT A

IN THE COUNTY COURT OF CRAIGHEAD COUNTY, ARKANSAS

**FILED**

No. 2011-1

FEB 16 2011

**ORDER APPROVING ANNEXATION OF CERTAIN LANDS  
INTO THE CITY OF JONESBORO, ARKANSAS**

**NANCY NELMS  
COUNTY & PROBATE COURT CLERK**

On this 16th day of February, 2011, the Petition for Approval to Annex Certain Lands into the City of Jonesboro, Arkansas (the "Petition") filed by Rex Gilbert and Connie Gilbert, Philip T. Hudson, and Robert F. McCall and Sandra McCall (collectively, the "Petitioners") was presented to the Craighead County Court (the "Court"). The Court finds as follows:

1. The Petition was filed on January 14, 2011, by Petitioners asking that the following lands located in Craighead County, Arkansas, be annexed into the City of Jonesboro, Arkansas:

PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 14 NORTH, RANGE 5 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 1 AFORESAID; THENCE SOUTH 89°15'06" WEST, 296.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY #49, ALSO THE POINT OF BEGINNING; THENCE NORTH 33°13'03" EAST ALONG SAID HIGHWAY RIGHT-OF-WAY 1,051.16 FEET; THENCE NORTH 62°16'57" WEST 292.54 FEET; THENCE NORTH 01°10'29" EAST 286.88 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 89°14'17" WEST 2,644.36 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00°36'15" WEST 1,297.69 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST

QUARTER OF SAID SECTION 1; THENCE NORTH 89°15'06"  
EAST 2,335.25 TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,426,321 SQ. FT. OR 78.66 ACRES,  
MORE OR LESS.

SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS  
AND RIGHTS-OF-WAY OF RECORD.

THE NORTH 210 FEET OF THE EAST 420 FEET OF THE  
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF  
SECTION 1, TOWNSHIP 14 NORTH, RANGE 4 EAST,  
CRAIGHEAD COUNTY, ARKANSAS.

CONTAINING IN ALL 88,235 SQ. FT. OR 2.03 ACRES, MORE  
OR LESS.

SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS  
AND RIGHTS-OF-WAY OF RECORD

(hereafter, the "Real Estate"). The Court finds that Petitioners are the sole owners of the Real Estate.

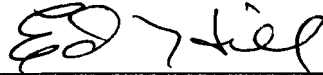
2. On January 14, 2011, the Court entered an order in this matter, setting the matter for a public hearing on February 16, 2011, at 10:00 a.m.

3. On February 14, 2011, Petitioners filed in this Court a Proof of Publication, showing that notice of the hearing was published in *The Jonesboro Sun*, a newspaper of general circulation in Craighead County, once a week for three weeks prior to the hearing. The Court finds that the notice and publication thereof satisfy the requirements of Ark. Code Ann. § 14-40-602.

4. At the hearing, all interested persons were provided an opportunity to speak for or against the Petition and the relief requested therein.

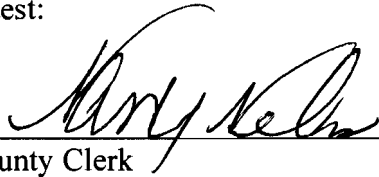
5. After hearing all evidence for and against the Petition, the Court finds that the relief requested in the Petition should be granted, and the annexation of the Real Estate described above into the City of Jonesboro should be approved.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the Petition is granted and the Real Estate described above shall be considered annexed into the City of Jonesboro, Arkansas, upon its acceptance thereof by proper ordinance. This Order shall be recorded by the County Clerk.



\_\_\_\_\_  
County Judge

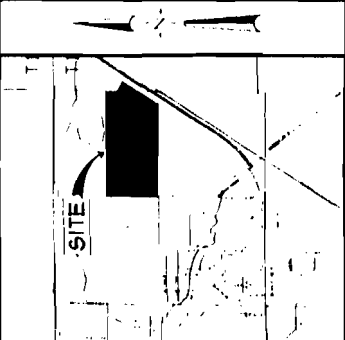
Attest:



\_\_\_\_\_  
County Clerk

EXHIBIT B

F:\USERS\RWW\FAIR\annexation\petition.council.wpd



88374111U 2,644.36

TOTAL AREA  
3,763.71 ACRES  
15,061 ACRES



800'36.91'W 1291.69'

143'07.03' E 1,030.11'

61' 01' 10" S 104° 04' 00" W 229.84'

61' 01' 10" S 104° 04' 00" W 229.84'

61' 01' 10" S 104° 04' 00" W 229.84'

**LEGEND**

- 1. Survey Boundary
- 2. Easement
- 3. Right of Way
- 4. Utility
- 5. Proposed Structure
- 6. Proposed Access
- 7. Proposed Road
- 8. Proposed Fencing
- 9. Proposed Planting
- 10. Proposed Landmark

**SURVEYOR'S CERTIFICATION**

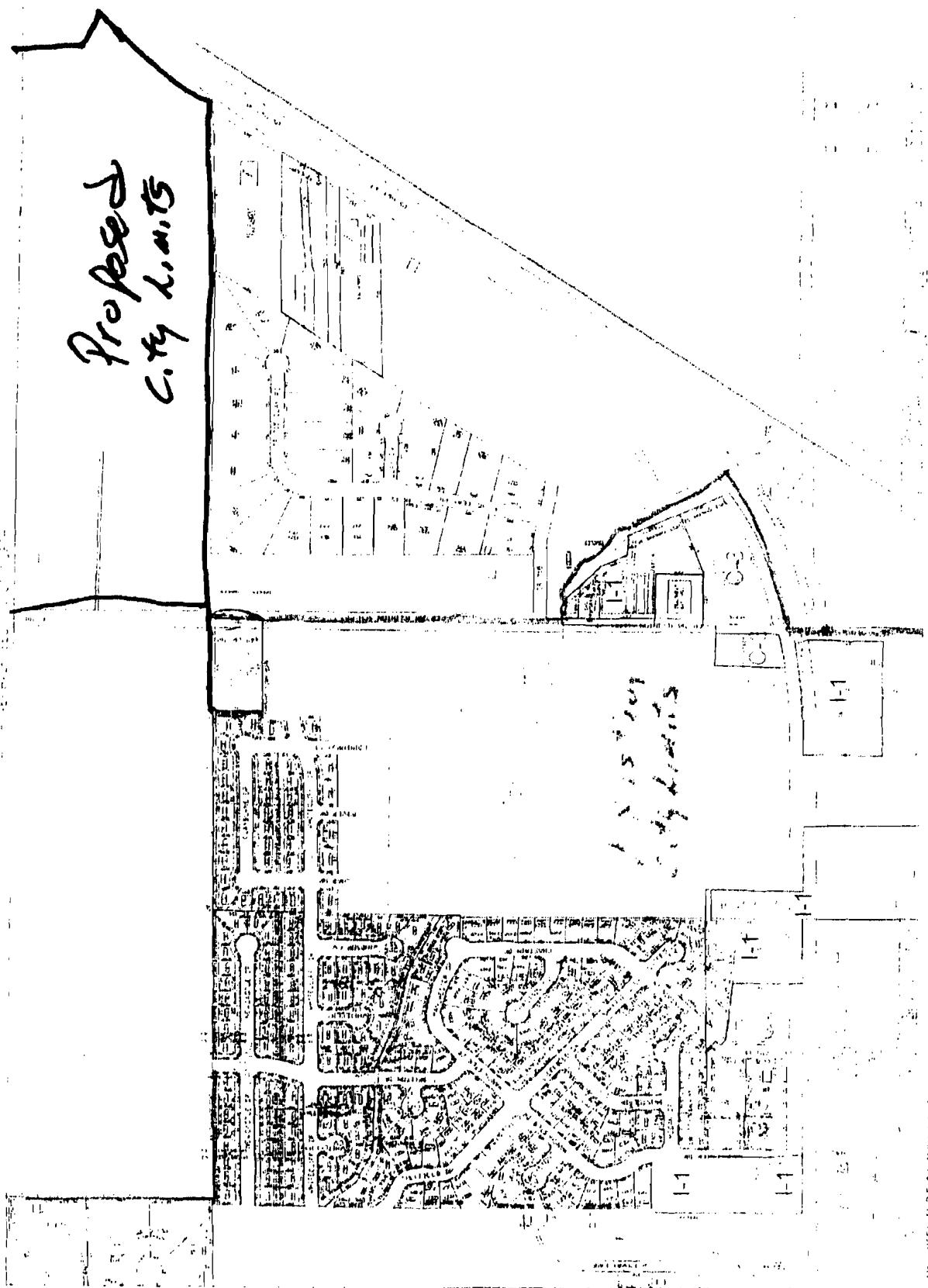
I, the undersigned, being a duly Licensed Surveyor in the State of Arkansas, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my files and records.

ASSOCIATED ENGINEERING AND TESTING, LLC  
 CIVIL ENGINEERING AND SURVEYING AND "NATIONAL TESTING"  
 OF SURVEYING AND MAPPING - 1525 SOUTH MAIN STREET, SUITE 100  
 JONESBORO, ARKANSAS 72401-1000

PRELIMINARY SKETCH  
 CRAIGHEAD COUNTY FAIR ASSOC.  
 IN SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20  
 JONESBORO, ARKANSAS

Block	Section	Township	Range	County	State
88374111U	2,644.36				





**From:** cjdd [mailto:cjdd@suddenlink.net]

**Sent:** Saturday, March 12, 2011 4:56 PM

**To:** Harold Perrin

**Cc:** Donna Jackson; Charles Frierson; Gene G Vance; Charles Coleman; chrismooreplumbing@yahoo.com; Ann Williams; clgibson@sbrmc.org; John Street; Mitch Johnson; Darrel Dover; Rennell Woods Contact; Tim MCCall; mikel.fears@suddenlink.net

**Subject:** PROPOSED FAIRGROUND LOCATION

**Importance:** High

I am buying a house on CR 702. Until Tues. night it was said that "702 would not be affected by the addition of the fairgrounds on CR 701!" Anyone can drive through this neighborhood and see that there is NO WAY that 702 could not be affected tremendously.

We were told on Tues. night that "we will tell you that the trucks carrying equipment, etc., will be using 702 to get necessities into the fairgrounds." 702 has been paved twice since I have lived here. This is just because of the normal traffic using 702. How is this road supposed to handle all the heavy traffic caused by the fairgrounds being moved here?

More important is the fact that the new hospital will be located just down hwy. 49. If there should be just one ambulance impeded from getting into the hospital due to the volume of the fair traffic, this could mean the difference in someone living and someone not making it to the hospital because of the sheer overload of the traffic. The important aspect of this situation was not, to my recollection, mentioned during the meeting Tues. night!

Neither of the above cited facts brings to the forefront at all what this addition will do to the value of our quiet, clean, single family residential neighborhood.

For my husband and myself, this means the move we made back to AR. after 40+ years away serving in the military, etc., will be overshadowed by the noise, smells, excessive traffic of an activity in which we no longer are able or desire to associate ourselves.

Any supposed amounts we might save from being on city services will in no way be close to making up for the upheaval in our previously quiet lives in this neighborhood. What residents of this area were assuming, that city services would be offered, is NOT a sure thing anyway without very much added expense to the homeowners.(despite what was said on Tues. night) These same homeowners would also be experiencing the effects of this unwanted entity which is, in my opinion, being forced on us against our better judgment!

Please, all city officials, think what this would mean to you if it were being built "in your back yard" and prayerfully be very objective about your vote! Please put yourselves in our position!

Respectfully and prayerfully submitted,  
Carolyn J. Deal

**From:** Shelly Campbell [mailto:shellykcampbell@yahoo.com]  
**Sent:** Friday, March 11, 2011 5:39 PM  
**To:** Harold Perrin; Donna Jackson; Charles Frierson; Charles Coleman;  
chrismooreplumbing@yahoo.com; Ann Williams; elgibson@sbrmc.org; John Street;  
johnson3@suddenlink.net; Darrel Dover; Rennell Woods Contact; Tim MCall; Mike Fears  
**Subject:** Northeast Arkansas Fairgrounds

Dear Jonesboro City Council Member:

Please take a moment to read the attached headlines of the heinous crimes that took place on or near a fairground in the past 36 months. The majority of these crimes were against children. 8 of them were for sexually assaulting or inappropriately touching children, 3 kidnappings, 4 rapes, 9 sexual offenders who were arrested on site, and 10 others crimes ranging from shootings, stabbings, drugs, and beatings. Some of these headlines come from the Northeast Arkansas district Fair. Were you aware that the JPD raids the fairgrounds every year to check the carnival workers, most of who are from this area, for outstanding warrants and for level 3 and 4 sexual offenders and several arrests are made? Note that level 1 and 2 sexual offenders are allowed to work and remain around all of the children attending the fair. I was horrified when I learned of this information but was told by one officer that these facts were not even what should scare me it is the fact that hundreds of sexual offenders and pedophiles will walk thru the gates of the Northeast Arkansas District Fair as patrons and that many of these will scope out our rural neighborhoods on their way to the site possibly pretending to be lost. According the Arkansas Crime Information Center there are almost 100 registered sex offenders in the Northeast Arkansas District Fair area and there are over 2,600 sexual offenders that Arkansas cannot account for because they are not currently registered. These are the type of people the Craighead County Fair Association are asking you to place in a residential area where approximately 500 children reside. Everyone keeps referring to the proposed property as being located on hwy 49 when in fact 2 of the 3 tracts are located on CR 701 completely surrounded by homes where children are allowed to play freely in their yards, ride their bikes, and take walks with their families on the quiet streets. The manner in which these families live and these children play will change if you invite these criminals who are roaming free in our society into these neighborhoods. I urge you to talk to Jonesboro Police Officers who have worked this event for many years and if given the opportunity to speak freely without political bias they will tell you what they have told myself and others and that is that they would not want to live in our neighborhoods if the fairgrounds locate to the proposed site. These houses are our HOMES and we shouldn't have to live in them in fear because child predators were invited and thousands of cars will be released onto our county roads. I urge you to drive out to the area on CR 701 or come park in front of my house at 231 CR 7450 (1000 ft away from the proposed property) and look around at all of the houses where families reside. This is NOT a commercial area it is a family area and if you do your due diligence I have no doubt that you will see this. If you are a parent or grandparent, I plead with you to put yourself into the shoes of all of the families who surround CR 701 and when you place your vote on Tuesday night I hope you vote in a manner in which your conscious allows you to sleep at night because if something were to happen to one of our children because you allowed a political agenda to take precedence over the safety of children and the rights of families then the blame will fall on YOU. No apology can make up for an injured child. The MAPC vote was a clear example of the Fair Board's statement that this is a

“done deal”. You have the power to put families before business and I pray that you do. On behalf of the families in the proposed area, I thank you for your time and consideration.

[NEA Fair Ends Early, Eight Arrested - KAIT-Jonesboro, AR-News ...](#) According to Jonesboro Police, eight people were **arrested** on charges ... gate I seen a gun come out and everyone take off again," said **carnival worker** Roy Rogers. **Arkansas** ...

[Sex Offender Arrests at Baxter County Fair \(Carny Town ...\)](#) A Marmaduke man who was employed by a **carnival** at the Baxter County Fair has been **arrested** for violating the **Arkansas** Sex ...

September 28, 2010; Two people were shot Monday evening while attending the Arkansas– Oklahoma State Fair in Fort Smith. Authorities advised that a female customer was shot in the back and a male carnival worker was shot in the leg Monday evening. The identity of the suspect(s) is unknown at this time, although witnesses observed two males outside the fair entrance with guns. Continue reading on Examiner.com: [Two people shot at the Arkansas – Oklahoma State Fair - Little Rock Crime | Examiner.com](#) <http://www.examiner.com/crime-in-little-rock/two-people-shot-at-the-arkansas-oklahoma-state-fair#ixzz1GFBWPCq4>

#### **Teen cited for bringing BB gun to NEA Fair**

JONESBORO — A 16-year-old was cited by police Saturday night after he allegedly brought a BB gun to the Northeast Arkansas **DISTRICT FAIR** grounds, Jonesboro police said.

[Carnival Worker | Reference.com](#)

Mar 2, 2011 ... Local: *Carnival worker arrested* in abduction of little girl; suspect known as sexual predator

#### **Carnival worker arrested at State Fair on Massachusetts sex ...**

Oct 15, 2010 ... A 37-year-old Massachusetts man was **arrested** on the S.C. State Fair grounds Wednesday morning by U.S. marshals on several sex offender ...

#### **Carnival worker arrested on sex charge | KXAN.com**

Mar 15, 2010 ... **Carnival worker arrested** on sex charge. Employee allegedly touched a teenage boy . Updated: Tuesday, 16 Mar 2010, 10:19 AM CDT ...

#### **Posted: Monday, September 28, 2009 Teen tells police he was hit by 3 people**

JONESBORO — An area teen-ager told Jonesboro police he was hit by three suspects late Saturday and told to empty his pockets. Patrolman Phillip Coleman said he went to an area around Dayton Avenue around 11:30 p.m. Saturday on a report of an assault. Coleman said officers searched the area for a victim who attends Jonesboro High School, but could not find anyone. However, Coleman said police got a call about 20 minutes later from an area near the Northeast Arkansas **DISTRICT FAIR** grounds about an assault. Coleman spoke to four people there. "I was advised by (victim) that he was jumped when (the four people) were walking home from the fair," Coleman said. "According to the four people, three males jumped (victim), hitting him several times, then telling him to empty his pockets."

#### **Fair Carnival Worker Arrested on Molestation Charges | KSEE 24 ...**

Mar 1, 2011 ... Fair **Carnival Worker Arrested** on Molestation Charges. By KSEE News.

#### **Carnival workers arrested at fair**

Posted at 12:00 AM Oct. 6, 2010 | Updated: 11:02 PM Oct. 5, 2010 | 0 |  
WOODSTOCK -- Three carnival workers were rounded up on drug charges during the Shenandoah County Fair, according to the Shenandoah County Sheriff's Office

#### **Carnival Worker Arrested On Sexual Assault Charge - Local News ...**

Oct 1, 2009 ... FORT SMITH, Ark. -- Darren Vodopich, 34, was **arrested** Monday on suspicion of sexually assaulting two females at the state fair

#### **Carnival Worker Recognized As Sex Offender, Is Arrested | KCRG-TV9 ...**

Jul 28, 2010 ... WEST UNION -- Authorities **arrested** a registered sex offender Tuesday when they saw him operating **carnival** games and rides at the Fayette ...

#### **Fugitive Carnival Worker Arrested In Phoenix - Phoenix News Story ...**

Feb 7, 2008 ... PHOENIX -- An Arkansas man who allegedly raped a sleeping man, then eluded police by working in a **carnival**, is **arrested** in Phoenix

#### **Carnival worker recognized as sex offender, is arrested | Eastern ...**

*Carnival worker* recognized as sex offender, is *arrested*. Posted July 28, 2010 8: 31 pm by Jeff Raasch/SourceMedia Group News

#### **WHDH-TV - Carnival worker arrested on out-of-state warrant**

Apr 25, 2008 ... *Carnival worker arrested* on out-of-state warrant. ... Police arrested a carnival worker on an out-of-state warrant for kidnapping and armed ...

[Burton brother and three other carnival workers arrested ...](#)

Jun 19, 2009 ..Four members of the Burton Bros. carnival staff – currently working at the Turtle Days Festival – were arrested in Fort Wayne Thursday morning at approximately 3 a.m. and charged with robbery, a Class B felony, and unlawful use of body armor, a misdemeanor. One man was hospitalized and two others were treated for knife wounds. Police said they found body armor, knives, ammunition and guns – including an assault rifle – on Burton and in his vehicle

[Big Fresno Fair Carnival Worker Arrested on Child Molestation ...](#)

Oct 12, 2009 ... Fresno Fair *Carnival Worker Arrested* on Child Molestation Charges

[Carnival Employee Arrested for Assaulting Juvenile - Southern ...](#)Aug 17, 2010 ... On August 15, deputies responded to the Ridge Volunteer Fire Department Fairgrounds in Ridge, Maryland for a report of an assault

[Police: carnival worker attacked boss, stole cars, and faces DUI ...](#)Apr 20, 2010 ... A *carnival worker* on his day off is accused of committing a series of ... Mr. Kern continued north and was later *arrested* for driving under ...

[Carnival workers arrested on warrants, failing to register \(8:47 ...](#)

May 16, 2008 ... ANGELS CAMP -- Two *carnival workers* accused of failing to register as sex offenders were *arrested* Wednesday on the grounds of the Calaveras ...

[Carnival Worker Charged with Rape - YNN, Your News Now](#)

Aug 11, 2010 ... New York State Police *arrested* a *carnival worker* on rape charges

[Police name carnival worker as girl's kidnapper | name, hidalgo ...](#)

May 14, 2009 ... Christian Elijah Lee McMillan, a 23-year-old California *carnival worker* who was living in Mercedes was *arrested* late Wednesday night after

[Carnival worker on sex abuse registry arrested @ pulpNews.Com](#)

Jul 28, 2010 ... *Carnival worker* on sex abuse registry *arrested*

[12 carnival workers face drug charges - Kentucky New Era: News](#)

Mar 2, 2011 ... Twelve *carnival workers* at Little River Days were *arrested* Thursday after Christian County sheriff's deputies found some of them smoking

[Carnival Worker Charged In Court - NBC29](#)

Aug 11, 2010 ... *Carnival Worker* Charged In Court. Posted: ... Fowler was *arrested* Thursday night the Albemarle County Fair worker accused of sexual crimes faced a judge Wednesday afternoon. Joseph Fowler was in Albemarle Juvenile and Domestic Court for a preliminary hearing. The 20-year-old Fowler was charged with sexually abusing one girl and sexually assaulting another while operating rides at the Albemarle County Fair. Fowler was *arrested* Thursday night.

[Carnival worker accused of rape is out on bail | SeacoastOnline.com](#)

Aug 22, 2008 ... SEABROOK — An 18-year-old *carnival worker* accused of sexually ... Witham was *arrested* after the father of one of the girls called police. ...

[Carnival Worker Pleads Guilty To Fondling Girls](#)

May 27, 2009 ... A *carnival worker* has pleaded guilty to fondling girls at Valley Center's...

[Local police arrest carnival worker - Newport, AR - Newport ...](#)A Memphis, Tenn. **carnival worker's** trip to Newport over the weekend has landed him in the Jackson County Detention Center. According to a press release from Lt ...

[State Fair Worker Arrested on Sexual Assault Charges - KFSM](#)The **Arkansas** -Oklahoma State **Fair** turned into a frightening place this week for one young girl in our area

[Two Men Arrested for Shooting Near Fairgrounds in Fort Smith ...](#)Fort Smith police have **arrested** Roel Arturo Lopez, 19, and Isidro Zarate Lopez, 18, for a shooting that happened Monday night near the **Arkansas/Oklahoma State Fair** at

[Sex Offenders - Sex Offenders Arrested While Working at ...](#)Sex Offenders - Sex Offenders **Arrested** While Working at **Arkansas Fair** (KOLR - news and resources about sex offenders, megans law, sexoffenders and meganslawt

[Suspect In Knife Attack After Fair Arrested](#)Police **arrested** a man on Friday suspected of attacking a local high school student early Sunday after he left the Arkansas-Oklahoma State **Fair**.

[Sex Offenders Legally Working In Carnival Business ...](#)There are registered **sex offenders** working in the **Carnival** business





Legislation Details (With Text)

**File #:** ORD-11:027    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 3/9/2011    **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 RS-6 FOR PROPERTY LOCATED AT 1306 DAYBREAK DRIVE AS REQUESTED BY GARRY TATE  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Plat](#)  
[MAPC Report](#)

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

SECTION I: 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 (R-1) SINGLE FAMILY MEDIUM DENSITY DISTRICT TO (RS-6) SINGLE FAMILY RESIDENCE DISTRICT, THE FOLLOWING DESCRIBED PROPERTY:

LOT 3, BLOCK A, PARDEWS NORTH SUBDIVISION, SECOND ADDITION, TO THE CITY OF JONESBORO, ARKANSAS.

SECTION II: 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.







*City of Jonesboro City Council*  
**Staff Report – RZ 11-02: Gary Tate 1306 Daybreak Dr.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

**REQUEST:** To consider a rezoning of a parcel of property containing approximately 0.34 acres more or less from R-1 Single Family Residential District to RS-6 Single Family Residential District min. 7,260 sq. ft. and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as **RS-6**.

**APPLICANT/ OWNER:** Haywood, Kenward, Bare, 1801 Latourette Dr. Jonesboro AR 72401  
 Gary Tate 2808 Danlee Dr. Jonesboro, AR 72401

**LOCATION:** 1306 Daybreak Dr.

**SITE DESCRIPTION:** Tract Size: Approx. 0.34 +/- acres, 15,000 sq. ft. +/-  
 Frontage: Approx. 150.30' along Daybreak Dr.  
 Topography: Flat  
 Existing Dvlpmt: Single family home and an auxiliary building

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	R-1	Residential
East:	R-1	Residential
West:	R-1	Residential

**HISTORY:** None

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

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

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

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

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as a Single Family- Low Density District Area.

There are single family homes surrounding the property as well as within the vicinity.



**Zoning/Vicinity Map**

**MAPC Public Hearing: Record of Proceedings: 3/8/11**

**Applicant:** Mr. Gary Tate appeared before the Commission. Stated that he purchased the property from the previous owners who were from West Virginia. He added that he would like to divide the property into two lots and remodel the existing home for his 2 grand-daughters and their mother; he wants to build a small 3-bed room single family house. Mr. Tomlinson asked Mr. Tate will he replat the acreage into 2 lots. Mr. Tate explained that the east side is 62 ft. from the west line. He proposes to create an 85 ft. lot which will be setback 20 ft. +/- ft. away from the structure. The lots will result areas of 6,500 sq. ft. on one; and 8,500 sq. ft. on the existing.

**Opposition:** None.

**Staff:** No further comments other than staff report findings. Approval is recommended.

**Action:** Motion was made by Mr. Kelton to recommend approval to City Council. 2<sup>nd</sup> by Mr. Roberts.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6-0)

**Findings:**

The proposed rezoning will result in existing R-1 Residential zoned property to be zoned to RS-6 Single Family. Although the subject property abuts a single family residence, 0.34 acre site will remain residential in character. Future development and subdividing will provide for only one additional home.

The applicant has expressed a desire to have 2 structures on the property. The applicant’s desire is to utilize the structures as single family residences. Chapter 117, The Zoning Ordinance will require the following lot regulations:

	Min. Lot Width	Min. Lot Area	Front Setback	Side Setback	Rear Setback
R-1	60	8,000	25	7.5	25
RS-6	65	7,260	20	10	20

**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Gary Tate, should be evaluated based on the above observations and criteria, of Case RZ 11-02 a request to rezone property from R-1 to RS-6 and is recommended to the City Council for approval. The change will provide an upgrade to the area and will follow good land use principles.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

## SITE PHOTOGRAPHS



*View looking South along Daybreak Dr.*



*View looking Southeast of Daybreak Dr..*



*View looking North at subject property.*



*View looking North at subject property.*



*View looking North at subject property.*



*View looking North intersection Pratt Circle/Daybreak Dr.*



*View looking west along Daybreak Dr.*



*View looking east along Daybreak Dr.*





*View Looking South intersection Pratt Circle/Daybreak Dr.*



*View looking west along Daybreak Dr.*



Legislation Details (With Text)

**File #:** ORD-11:028    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 3/10/2011    **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-2 TO PD-RM FOR PROPERTY LOCATED AT 1711 ARCH STREET AS REQUESTED BY WESLEY ABERNATHY

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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title  
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;

body  
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-2 TO Planned Development, Residential, Multifamily (PD-RM), THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

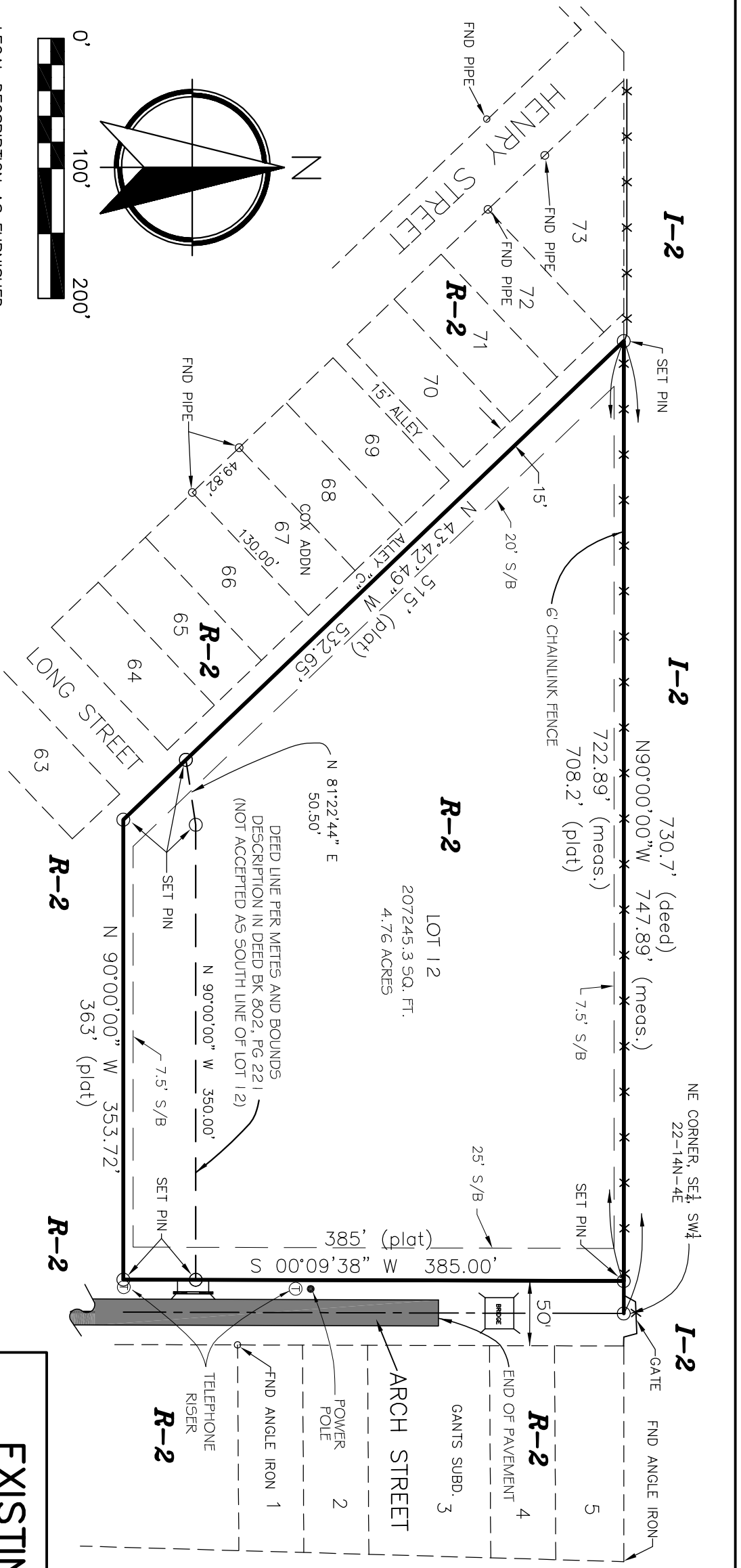
A part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 14 North, Range 4 East, beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 22, and running West 730.7 feet to Alley "C"; thence Southeastwardly parallel with said Alley "C" 466 feet; thence Northeastwardly 50.5 feet; thence East 375 feet; thence North to the point of beginning, containing 4 acres more or less AND ALSO DESCRIBED AS LOT 12 OF COBB & LEE'S SURVEY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 4 EAST.

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

- 1) That a Final Development Plan shall be filed and approved by the Metropolitan Area Planning

Commission (MAPC) and no new work shall commence prior to Final Site Plan review and approval by MAPC;

- 2) A detailed lighting plan and landscaping plan shall be submitted to the MAPC, including a 20 ft. landscape buffer, including privacy fencing where the site abuts existing residential uses, and shall include 20' open space and amenities;
- 3) That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual;
- 4) That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all city, state, and local agencies shall be satisfied;
- 5) The development shall be limited to 56 units within the legal boundary of this request;
- 6) That a Final Subdivision Plat shall be approved by the Planning Commission with the assurance that all public right-of-way improvements are completed in a timely manner; and
- 7) That all building side setbacks be held to a minimum of 10 ft. setback from the property lines where rear patios will be located.



LEGAL DESCRIPTION AS FURNISHED:

A part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 14 North, Range 4 East, beginning at the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 22, and running West 730.7 feet to Alley "C"; thence Southeastwardly parallel with said Alley "C" 466 feet; thence Northeastwardly 50.5 feet; thence East 375 feet; thence North to point of beginning, containing 4 acres, more or less AND ALSO DESCRIBED AS LOT 12 OF COBB & LEES SURVEY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 4 EAST.

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.

OWNER'S CERTIFICATION:

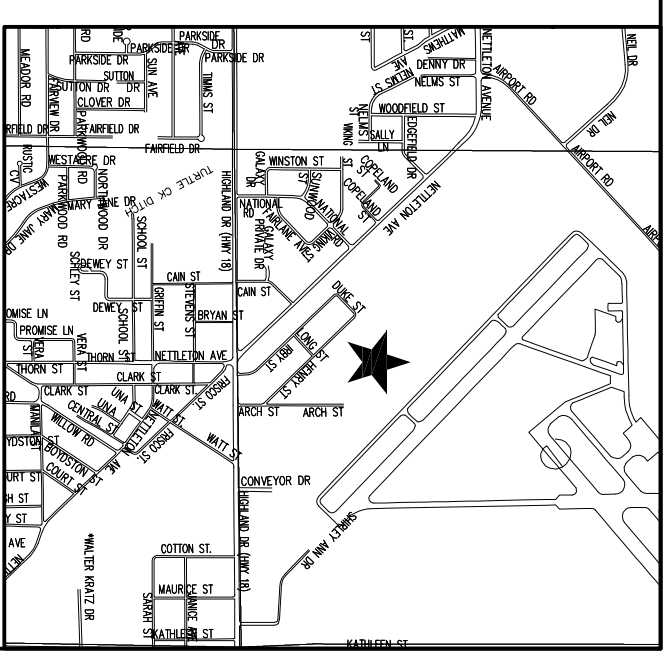
We hereby certify that we are the owners of the property shown and described hereon, that we adopt the plan of subdivision and dedicate perpetual use of all streets and easements as noted.

*Wesley Abernathy*

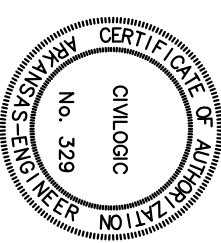
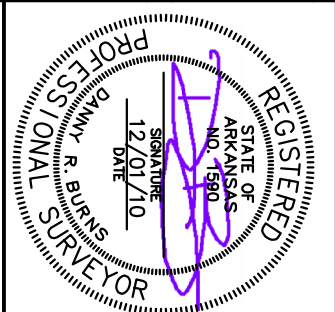
NOTES:

- 1) THIS SURVEY AND PLAT ARE THE PROPERTY OF THE SURVEYOR AND ARE INTENDED FOR THE SOLE USE AND BENEFIT OF THE SURVEYOR & CLIENT.
- 2) THIS SURVEY WAS COMPLETED USING A NIKON A SERIES AND HAS A CLOSURE PRECISION OF 1" IN 100,000' AND AN ANGULAR ERROR OF 00'00'00" PER ANGLE AND WAS NOT ADJUSTED.
- 3) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1" IN 274,000'.
- 4) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES LEGAL DESCRIPTION PROVIDED OUR OWN RESEARCH AT THE COURTHOUSE.
- 5) ALL PINS SET ARE 1/2" REBAR, UNLESS NOTED OTHERWISE.
- 6) OWNER: WESLEY ABERNATHY
- 7) FLOOD PLAN: THIS TRACT DOES NOT LIE WITHIN THE 100-YR FLOOD PLAN PER FLOOD INSURANCE RATE MAP OF CRAIGHEAD CO., ARK. AND INCORPORATED AREAS, COMMUNITY PANEL NO. 080310132 C, DATED 09/27/91. THIS TRACT DOES LIE WITHIN A ZONE "X" FLOOD PLAN, PER THE MAP REFERENCED ABOVE.
- 8) THE CALCULATED AREA NORTH OF THE DEED LINE SHOWN IS 185899.5 SQ. FT., 4.27 ACRES, AND THE CALCULATED AREA SOUTH OF THE DEED LINE SHOWN IS 203128 SQ. FT., 4.67 ACRES.
- 9) EXISTING ZONING: R-2

**EXISTING ZONING: R-2**  
**REQUESTED ZONING: PD-RM**  
**(MAX. 4 UNITS/BUILDING)**



ENGINEERS		PLANNERS		SURVEYORS	
<b>Civilogic</b>					
203 Southwest Dr. - Jonesboro, AR - (870)932-7880 - www.civilogic.net					
REZONING PLAT					
LOT 12 OF COBB AND LEES SURVEY					
OF THE SOUTHWEST QUARTER					
OF SECTION 22-T14N-R4E					
JONESBORO, ARKANSAS					
FOR WESLEY ABERNATHY					
Date	Scale	Job No.	Sheet		
12/01/10	1" = 100'	109117	1 of 1		
Section	Township	Range	County		
22	14N	4E	CRAIGHEAD		
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES					
© 2009, Civilogic Drwn By: RE/DB					





*City of Jonesboro City Council*  
**Staff Report – RZ 10-21: Abernathy-PD-RM**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

**REQUEST:** To consider a rezoning a parcel of land containing 4.76 acres more or less (207,245 sq.ft.).

**PURPOSE:** A request to consider recommendation to Council for a rezoning from R-2 Low Density Multi-family to PDM- Planned District Multi-Family.

**APPLICANT/ OWNER:** Mr. Wesley Abernathy, P.O. Box 1368, Jonesboro, AR 72403

**LOCATION:** 1711 Arch Street (Terminus of Arch St. North of Henry St., South of Jonesboro Airport, North of Highway 18/Highland Dr.)

**SITE DESCRIPTION:** Tract Size: 4.76 Acres: 207,245 S.F.  
Frontage: 385 ft. on Arch St., 60 ft. on Long Street + 15 ft. alley to Henry St.  
Topography: Flat  
Existing Developmt.: Vacant/Undeveloped

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	I-2	Jonesboro Airport
South:	R-2	Residential
East:	R-2	Vacant
West:	R-2	Residential/Industrial (CWL treatment plant)

**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 Jonesboro Comprehensive Future Land Use Map which shows the area recommended as Residence Transitional. This designation typically includes low density attached residential uses. The current planning area is configured in such a manner to accommodate a buffer area between less intense uses and a municipal airport.

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

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

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

**Master Street Plan**

The subject project site is surrounded by all local streets that are served off of Hwy. 18, a major arterial on the Jonesboro Master Street Plan. Staff anticipates that upon future build-out of this development access issues should be addressed. The site also fronts on a Long Street right of way which has been highlighted as a secondary ingress/egress to the site. Staff recognizes also that the Arch Street right of way is 50 ft. as opposed to the minimum 60 ft. wide for local streets; Arch Street is a dead-end street.

**Zoning Code/ Analysis**

**Development Details:**

The applicant proposes to create a Planned Development- Residential (PD-RM). There are fifty-six (56) units proposed with no more than four (4) units per building.

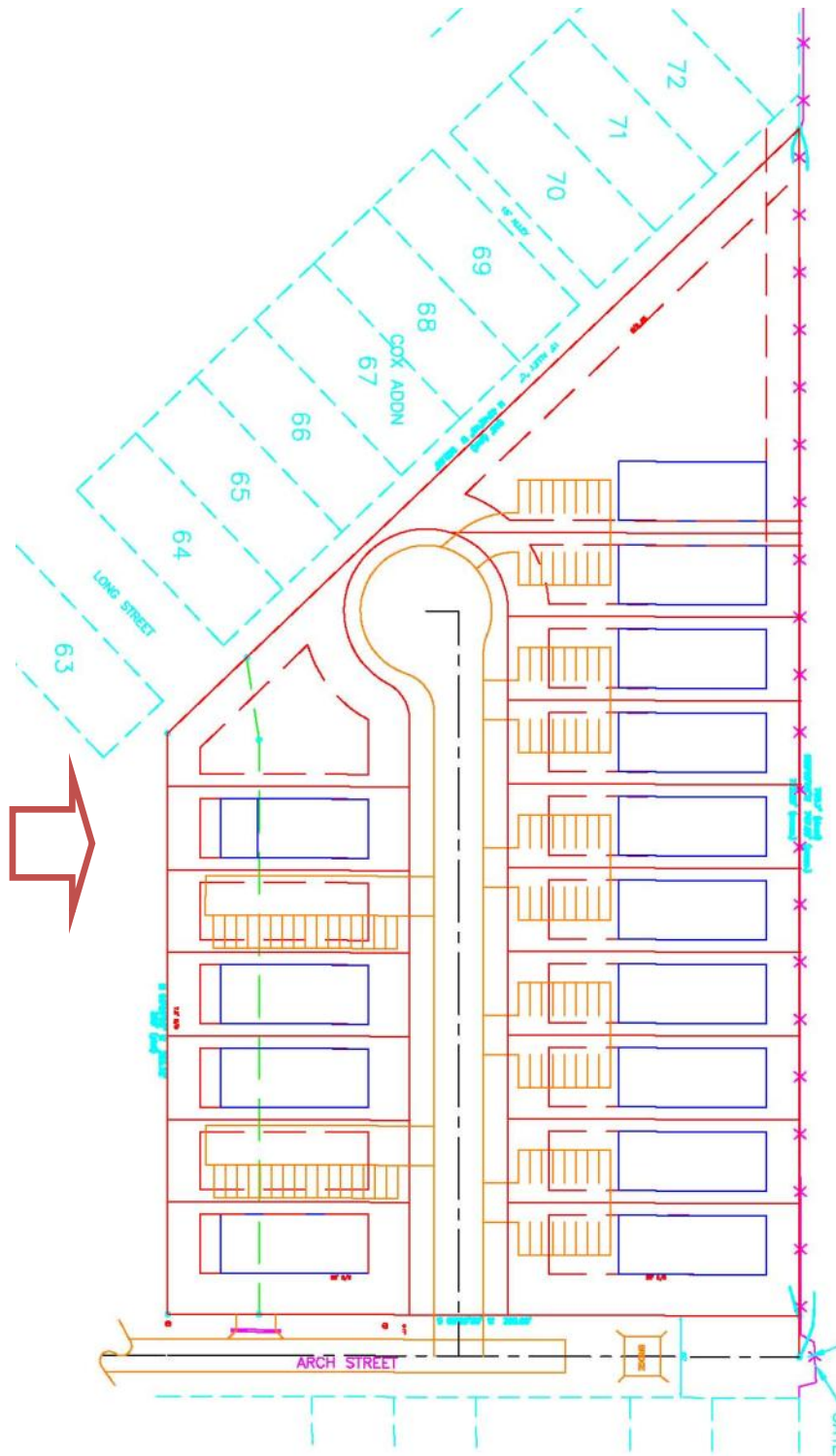
Required Greenspace = 20%

**Density:** Proposed: 11.7 units/per acre

14 Buildings- 1- Bedroom Units/ single story buildings  
1 Bedroom Units- 56

**Parking: 130 Parking Spaces**

Required= 1.75 spaces per 1 Bedroom Unit  
56- 1 Bedrooms – 89 Spaces Required; 114 spaces are provided.



Under the current R-2 Zoning District, the proposed 4.76 acre site could result 57. This calculation would be affected by infrastructure and public street requirements had it been designed under the current R-2 requirements (3,600 sq. ft. lot area required per unit). A typical layout has been provided, to show the if-then scenario, which could submitted under the current zoning. This layout is undesired by staff.

As an incentive, the developer is wishing to group the units into 4-plexes having combined access drives and parking lots with common green/open areas with benches and inner sidewalks. The Planned District code also requires the developer to set aside 20% open space, in which he has proposed to incorporate a walking trail with a multi-purpose use ball field within the detention area. A landscape plan and lighting plan shall be required depicting final landscaping and screening as part of the Final Development Plan process. Privacy fencing along the perimeter and the abutting/existing residential homes should be evaluated and improved where needed to provide some level of screening, as determined by the MAPC.

*Layout- Current R-2 Zoning- As of Right Plan*



*Zoning/Vacinity Map*

**MAPC Public Hearing- Record of Proceedings for March 8, 2011:**

**George Hamman**, Civilogic appeared before the Commission and stated that he prepared the application for a request for a Planned District (PD-RM) Multi-Family. The property is currently zoned R-2, as it stands. We could currently build 57 apartment units in this development as of right. As it stands, traffic is not the issue of concern. We agree that the streets are not as wide as the existing streets were developed when this was a part of the City of Nettleton. It's not the responsibility of the residents and developer to fix those streets. We are requesting 56 units, where we could do 57 units. We have set aside a recreational area, ball field or walking trails and greenspace.

**Staff Report:** **Mr. Spriggs** summarized the Staff Report findings. The density of the property is not being changed. However this is an example of the old R-2 District which has been problematic. The most undesirable R-2 Plan was shown in the staff report. Layout 2 was presented showing a secondary access out to Long Street. If Long Street is used, there would need to be improvements that need to be done on Long St. Mr. Hamman noted that the owner will have a second entrance on Arch St.

Privacy fencing/landscape buffering is a concern of staff and should be demonstrated during the Final Development process. The conditions were read.



**Ms. Julie Percifull Sartain:** Stated that she represents her parents at 1712 Arch St. and the other people from Henry St., Irby St., and Arch St. She presented a petition of names and some pictures showing the issues of concerns. It is a very dense area. All streets dead-end. Hwy. 18 is highly traveled. Bus stops on Arch and Henry St. The railroad tracks causes the traffic to line up and it blocks all 3 exits (pictures shown). Drainage is a problem in the area. The City had to go out last Friday to do some drainage on Henry St. The streets are not wide enough. The water drainage is poor and there is a heavy elderly population with sight and hearing problems. The traffic is a main concern directly across from the Dollar Store on Highway 18, with the railroad crossing. Emergency help is a concern, being a nurse. I have watched and helped with accidents there.

We have lights at the railroad and bars that come down. How long it will take with the traffic problems, if we allow another 100 vehicles. Fire is another concern that I have for getting to an individual in distress. There is one way in and out.

**Mr. Halsey:** Do you understand that it's already zoned for the use. Sounds like you are saying that you don't want anything built. Not that; I am concerned about the number of apartments that they are asking to be built in that small area. Anytime of the day you will see that exists. Will we create more problems by putting that many residents in this small area?

**Mr. Halsey** asked Mrs. Sartain, if she knew that it was zoned R-2 and the 57 units could be built today?

They are asking for 56 units and an opportunity to do a better layout. For us as a Commission we try to figure out a better flow. He is proposing a better development.

**Ms. Julie Percifull Sartain** asked how do we know if he would carry through with this plan fully?

**Mr. Spriggs** noted that the difference is we are holding him to an extra level of conditions and standards that would be approved by Ordinance. **Mr. Spriggs** made the comparison that each of you could do the same density redevelopment because all of the properties are Zoned R-2, but were built as single family homes. This board is making a recommendation.

**Mr. Hoelscher:** asked about the Certificate of Occupancy provision? **Mr. Spriggs** noted that sometimes the developer will construct these projects in phases. During the final development site plan review, the developer will present his phasing plan to MAPC for approval if the need arises to do a certain number of units at a time. Mr. Abernathy noted that he will do it in phases.

**Micah Harding:** I live beside the 7 ½ acres. This property drains on to my land which is low. Will he raise it or get into my shop I just built. **Mr. Hamman:** The Engineering requirements regulate that we won't make your problem any worse than it is.

The preliminary storm drainage findings are that we will drainage it towards the northeast towards the airport, and try to take it away from your site.

**Ms. Harding:** It will be a dead end street and it has one way in. It's going to be a troubling place like the apartments that have already come in.

**Ms. Julie Percifull Sartain** asked about the Home Land Security issue of the apartments in terms of the flight path. **Mr. Spriggs:** These are one level units. They will coordinate with the Airport Commission.

**Mr. Joe Tomlinson** noted concerns on the traffic issue. It puts us at a hard place with the access issues. We are supposed to make things better. This will not make that traffic problem there any better. We can't stop him from developing his property. Can we restrict the number of units based on the infrastructure?

**Mr. Spriggs** commented on the issues that we face on all of these rezonings where we are behind on our infrastructure improvements. This corridor has some access management challenges. The signage issue of not blocking drives is an enforcement issue. The only legal relief of holding up development would be a moratorium by City Council that would address findings of a study that would be needed to address our housing needs, density and infrastructure needs.

**Action:** Mr. Kelton made a motion to recommend to Council, approval of the request with the conditions; Motion was 2<sup>nd</sup> by Mr. Roberts.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Nay; Ms. Norris- Aye; Mr. Scurlock- Aye. (5 to1)

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**Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Wesley Abernathy, should be evaluated based on the above observations and criteria, of Case RZ10-21, a request to rezone property from "R-2" to PD- RM, and is recommended to the Jonesboro City Council with the following conditions:

1. That a Final Development Plan shall be filed and approved by the Planning Commission and no new work shall commence prior to Final Site Plan review and approval by the MAPC.
2. A detailed lighting plan and landscaping plan shall be submitted to the MAPC, including a 20 ft. landscape buffer, including privacy fencing where the site abuts existing residential uses, and shall include 20 ft. open space and amenities.
3. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
4. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all city, state and local agencies shall be satisfied.
5. The development shall be limited to 56 units within the legal boundary of this request.
6. That a Final Subdivision Plat shall be approved by the Planning Commission with the assurance that all public right-of-way improvements are completed in a timely manner.
7. That all building side setbacks be held to a minimum of 10 ft. setback from property lines where rear patios will be located.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



View looking northwest at the subject site.



View Looking north along Arch St.



View looking west of along south property line.



View looking northwest.



View looking west.



View looking north, terminus of Arch St. leading to airport property.



View looking south of Arch St.



View looking east along Long St./Henry St. intersection.



View looking north along Henry St.



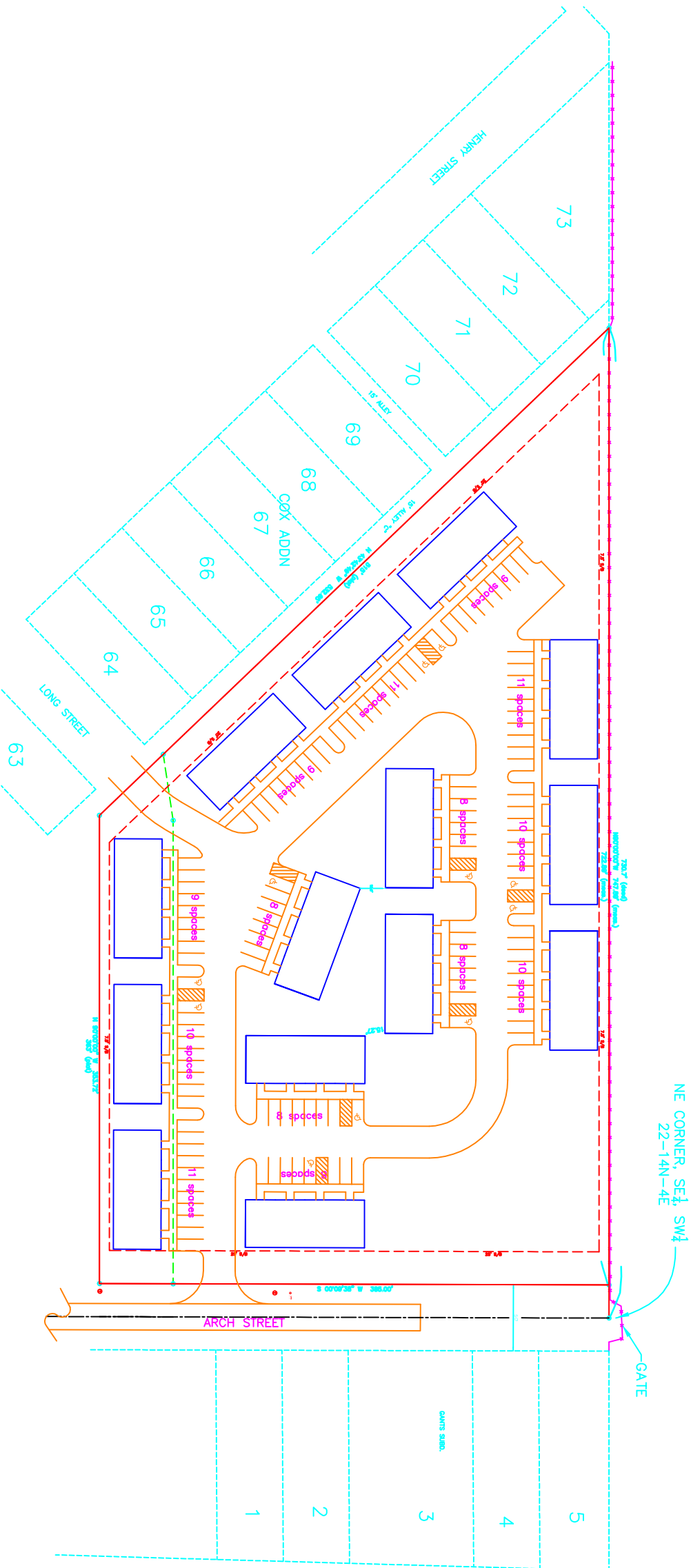
View Looking west along Long St.



View looking north from Irby St./Henry St. intersection.



# layout #3





Legislation Details (With Text)

**File #:** ORD-11:029    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 3/10/2011    **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 PD-M FOR PROPERTY LOCATED NORTH OF AGGIE ROAD AND WEST OF PARAGOULD DRIVE AS REQUESTED BY GERRY MCGOUGH

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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title  
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;  
body  
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 Planned Development, Mixed Use (PD-M), THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

A part of the Northeast Quarter of the Northeast Quarter of Section 15, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

From the Northeast corner of the North Half of the Northeast Quarter of said Section 15, run S 00°18'57" W, a distance of 622.27 feet to a point;  
thence run S 89°21'45" W, a distance of 35.56 feet to a point; , said point being the POINT OF BEGINNING;  
thence run S 00°18'57" W, a distance of 36.02 feet to a point;  
thence run S 89°11'28" W, a distance of 8.84 feet to a point;  
thence run S 00°26'00" W, a distance of 246.85 feet to a point;  
thence run S 89°55'27" W, a distance of 295.40 feet to a point;  
thence run S 00°20'17" W, a distance of 141.04 feet to a point;

thence run N 89°55'06" E, a distance of 295.17 feet to a point;  
thence run S 00°26'00" W, a distance of 26.42 feet to a point on a curve;  
thence along a curve to the right, said curve having a radius of 278.47 feet, an arc of 285.52 feet, a chord length of 273.17 feet, and a chord bearing of S 42°27'37" W, to a point;  
thence along a curve to the right, said curve having a radius of 618.64 feet, an arc of 109.10 feet, a chord length of 108.96 feet, and a chord bearing of S 76°06'47" W, to a point;  
thence run N 88°35'20" W, a distance of 247.62 feet to a point;  
thence run S 01°24'40" W, a distance of 10.00 feet to a point;  
thence run N 87°43'27" W, a distance of 50.25 feet to a point;  
thence run N 88°43'38" W, a distance of 147.22 feet to a point;  
thence run N 00°29'16" E, a distance of 639.55 feet to a point;  
thence run N 89°56'44" E, a distance of 108.75 feet to a point;  
thence run N 01°07'10" E, a distance of 30.06 feet to a point;  
thence run N 89°21'45" E, a distance of 632.80 feet to a point;, said point being the POINT OF BEGINNING, said tract containing 9.90 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. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.
3. That a Final Development Plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 9.90 acres.
4. Maximum of 28 lots overall, exclusive of potential amenity area,
5. Streets to be constructed to City of Jonesboro Standards and Specifications, and dedicated to the City of Jonesboro,
6. Minimum lot area of 7,200 square feet, exclusive of the potential amenity area,
7. Mix of single-family dwellings and duplexes for a maximum of forty-two (42) dwelling units,
8. No lot to contain more than two dwelling units,
9. All lots to have driveway turn-arounds to prevent the requirement of backing into the street,
10. Temporary turn-around to be installed at the far west property line for use by City services, emergency services, or both,
11. All residences to have garages,
12. Parking on the streets prohibited,
13. Existing pond along a portion of the north property line shall remain available for use as an amenity.

14. The Owner agrees to dedicate all required right of way of 40 ft. from centerline.





*City of Jonesboro City Council*  
**Staff Report – RZ 11-05: Gerry McGough- Aggie Rd.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

**REQUEST:** To consider a rezoning of a parcel of property containing approximately 9.90 acres more or less from R-1 Single Family to PD-(Mixed Use- Single Family/Duplexes (42 units max.) and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as PD-M (Mixed Use).

**APPLICANT/ OWNER:** Ms. Gerry McGough, 3700 Aggie Rd., Jonesboro, AR

**LOCATION:** North of aggie Rd, and West of Paragould Drive  
 (Land Northwest of where these two street intersect)

**SITE DESCRIPTION:** Tract Size: Approx. 9.90 +/- acres, 431,298 Sq. ft. +/-  
 Frontage: Approx. 866.13 ft. along Aggie Rd. and 282.87' along Paragould Dr.  
 Topography: Predominantly Flat, Gently Sloping  
 Existing Developmt.: Vacant/ Single Family Home

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	R-1	Residential
East:	R-1	Residential
West:	R-1	Residential
Southwest:	R-1	Meadowview Trailer Park

**HISTORY:** None. Site formerly contained a single family home and an apartment building; one single family home remains.

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

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

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

- (a) Consistency of the proposal with the Comprehensive Plan

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northeast Sector and is recommended as Low Density Single Family Residential District Area. The proposed change is partially consistent with the Land Use Plan; however, the density at a level of 4.3 is lower than typical “R-1” density levels which yield 5.4 units per acre.



**Zoning/Vicinity Map**

## **MAPC Public Hearing: Record of Proceedings on March 8, 2011:**

**Applicant: Mr. Hamman**, Civilogic. Spoke on behalf of the owner Ms. McGough who is on retirement and out of town. She owns this land at Paragould and Aggie Rd. wants to make this a PD- Mixed use maximum of 28 lots/42 units; nothing more than a duplex, with turnarounds and garages on each units with dedicated streets with drainage plans. No street parking. This is the layout of choice but could change slightly.

**Mr. Tomlinson** asked what is the Master Street Plan right of way for Aggie Rd.? **Craig Light** noted that it is 80 ft. **George Hamman** noted that the owner would agree to donate the additional right of way to achieve 40 ft. from center. **Mr. Tomlinson** stated that density is important to him and it appears that this is lower than the current R-1 density. **Mr. Spriggs** noted that the proposal is 4.3 units per acre as opposed to the existing R-1 Zoning which is 5.4 units per acre density.

**Mr. Hamman** stated that the McGough's want to build a home on lot 23, her husband has health problems. They have floor plans in the works. She is not going to restrict who she sells these lots to, but wants the flexibility to be able to allow a duplex (8 to 10 lots) where someone needing assistance could have the provider live next door.

**Opponents:** 7 opposed.

**Evonne McMinn**, 328 Prospect Farm Rd. This is an area of newer subdivisions- Prospect Farms and Wildwood Estates, where there are professional business and working families living there. We are opposed to the rezoning from R-1. Questions were asked about the items in the application. We don't feel like someone's dream is a substantial reason. We would like to see that it stays R-1 as our own are single family. Next item is on page 6, number 13 concerning minutes from close neighbors and they approve. We knocked 50 doors and could not find anyone who approves. No one had heard of it until the signs went up. Eddie Forster owns the other half of the pond to be used as an amenity. He was against that. He could not attend, he is out of town. We would like to see those neighborhood meeting minutes. The Police Department website quotes date from 2010, February 1<sup>st</sup> through December 2010- 59 accidents on Aggie Rd. were reported. From January 11<sup>th</sup> to February 28<sup>th</sup>; 5 accidents were reported on Aggie Rd. which is very congested. Traffic is going and coming all day long. Speed signs aren't obeyed. I am not opposed to complexes if the were further down and not in that curve area, which have no shoulders or curbs. We are requesting that this remain single family R-1.

**Staff Comments: Mr. Spriggs** noted that because of the housing laws, unfortunately we cannot restrict or guarantee that the owners will be the elderly. Having met with Mrs. McGough I felt confident that she is passionate about what she is proposing; but there is no way to restrict the housing to any group or single living or retirement community. Staff has no issue with the density proposed. The owner is limiting it to 14 attached unit lots. We are aware of the Aggie Rd./Paragould project that would take out the curb. The style of the units are also controlled by the owners proposed conditions that have been incorporated into staff's 13 conditions for approval.

**Mr. Scurlock** asked about what the Lake changes that Mr. Forster has proposed to do to the lake would affect the drainage of the subject property? **Mr. Hamman** noted that the lake is there for aesthetics.

**Mickey Bridger**, 4214 Corner Stone, Chairman of Countrywood Subdivision, 120 homes off of Aggie Rd. and Airport Rd. We had this same problem with Craig McDaniel, when they turned it



down his similar proposal because of the density. Buses were backed up, people were going through our neighborhood, there is no more room for no more apartments in that area.

**Mr. Kelton:** In regards to the comment of the intended use on restricting the housing. Clearly if that were done it would be in violation of fair housing laws. And since our minutes are subject to F.O.I., I would like to go on record that I was offended by the suggestion, and I will never participate in limiting anybody's right to housing opportunities.

**Mr. Roberts:** Stated that he is requesting a lower density that allowed currently.

**Mr. Scurlock** made motion that we recommendation approval to City Council as PD-MU, subject to the stipulations, with the right of way of 40 ft. from centerline as agreed by owner; Motion was 2<sup>nd</sup> by Mr. Tomlinson.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Nay; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (5 to 1 vote)

### **Findings:**

The proposed rezoning will result in existing R-1 Residential zoned property being changed to PD-M under the provision of the Planned District standards of the Code of Ordinances, Article 4, Division 2. Although the subject property abuts a single family residence, 9.90 acre site will remain low density with a mixture of single family homes and duplexes.

The owner has revealed the intent of the development which is to provide an environment of serenity in this development. The owner would like to incorporate an area that could be termed a park, near the existing lake. It is also a goal of the developer, to provide a location in Jonesboro, in which some of the future residents could construct duplex units. One of the visions for the development is that the duplexes would combine a residence for an individual or couple that may need assistance, with a residence for the care-giver. In consideration of the dedicated streets, individual lots, a limited number of duplexes, and density similar in nature to R-1 single family, this would seem to be a well planned location for such a development.

### **Density:**

This is a proposed PD (planned Development) Classification, including a maximum of twenty-eight (28) lots, upon which there could be a maximum of fourteen (14) duplexes, yielding an overall maximum of forty-two (42) dwelling units. That calculates to a maximum density of approximately 4.3 units per acre. The applicant proposes and agrees to the stipulations are as follows:

1. Maximum of 28 lots, overall, exclusive of potential amenity area,
2. Streets to be constructed to City of Jonesboro Standards and Specifications, and dedicated to the City of Jonesboro,
3. Minimum lot area of 7,200 square feet, exclusive of the potential amenity area,
4. Mix of single-family dwellings and duplexes for a maximum of forty-two (42) dwelling units,
5. No lot to contain more than two dwelling units,
6. All lots to have driveway turn-arounds to prevent the requirement of backing into the street,
7. Temporary turn-around to be installed at the far west property line for use by City services, emergency services, or both,
8. All residences to have garages,
9. Parking on the streets prohibited,
10. Existing pond along a portion of the north property line shall remain available for use as an amenity.

**Transportation/Access Management:**

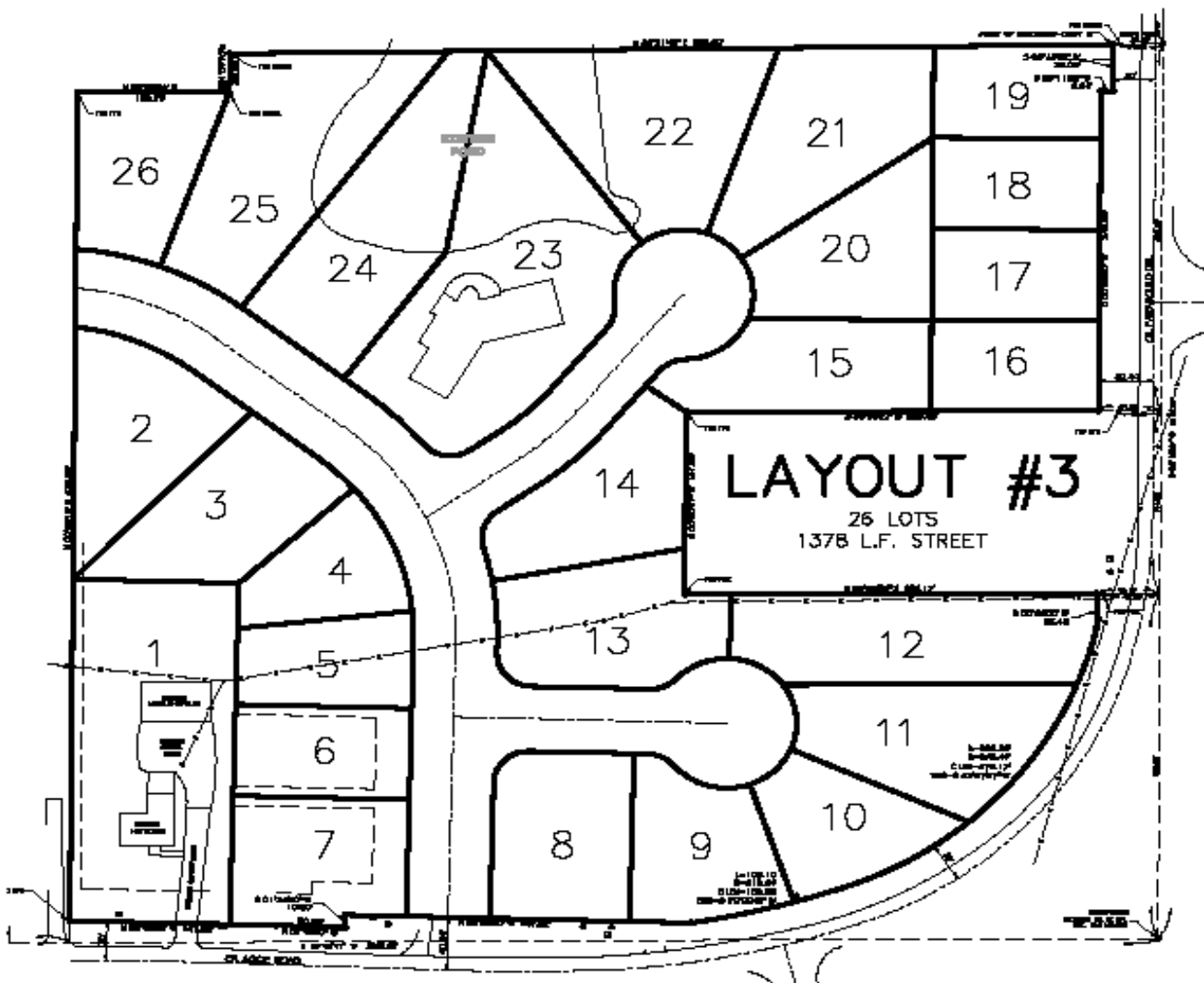
Aggie Road /Paragould Road are listed as Collector Roads on the Master Street Plan; the recommended right of way is 80 ft.

The interior streets within this development are proposed to be dedicated rights-of-way, constructed to the standards and specifications of the City of Jonesboro. Therefore, the interior streets should also be adequate to meet the demand of this development.

There are street improvements being proposed by the City of Jonesboro for to reconstruct the intersection of Aggie Road and Paragould Drive. However, the specific timing of those improvements is not yet well defined.

**Open Space/Common Amenities:**

The site lends itself to residential development, containing some mature vegetation, and reasonably gentle slopes. The site also contains a portion of an existing pond along a portion of the north side. The required open space requirement for PD-M planned mixed use developments is 20%. The applicant must demonstrate compliance to this requirement.



**Conclusion:**

The MAPC and Planning Department Staff find that the requested Zone Change submitted by Gerry McGough should be evaluated based on the above observations and criteria, of Case RZ11-05 a request to rezone property from R-1 & to PD-M, Mixed Use and is recommended to the City Council for approval with 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. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, state and local agencies shall be satisfied.
3. That a Final Development Plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 9.90 acres.
4. Maximum of 28 lots overall, exclusive of potential amenity area,
5. Streets to be constructed to City of Jonesboro Standards and Specifications, and dedicated to the City of Jonesboro,
6. Minimum lot area of 7,200 square feet, exclusive of the potential amenity area,
7. Mix of single-family dwellings and duplexes for a maximum of forty-two (42) dwelling units,
8. No lot to contain more than two dwelling units,
9. All lots to have driveway turn-arounds to prevent the requirement of backing into the street,
10. Temporary turn-around to be installed at the far west property line for use by City services, emergency services, or both,
11. All residences to have garages,
12. Parking on the streets prohibited,
13. Existing pond along a portion of the north property line shall remain available for use as an amenity.
14. The Owner agrees to dedicate all required right of way of 40 ft. from centerline.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

## SITE PHOTOGRAPHS



*View looking North on Prospect Farms Rd. (Site in Background)*



*View looking North toward site*



*View looking North, site in background to the left*



*View from Prospect Farm Rd. Looking West, Site to the right*



*View on site looking North*



*View on site looking West*



*View on site looking Northeast*



*View on site looking south towards Prospect Farm Rd.*



*View Looking North, towards subject property*



*View looking North along Paragould Rd. (Site to the left)*







Legislation Details (With Text)

**File #:** ORD-11:030    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 3/10/2011    **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-2 TO CR-1 LUO FOR PROPERTY LOCATED AT 118 MELROSE STREET AS REQUESTED BY NAOMI GREEN

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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title  
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;  
body  
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-2 TO CR-1, LUO, THE FOLLOWING DESCRIBED PROPERTY:

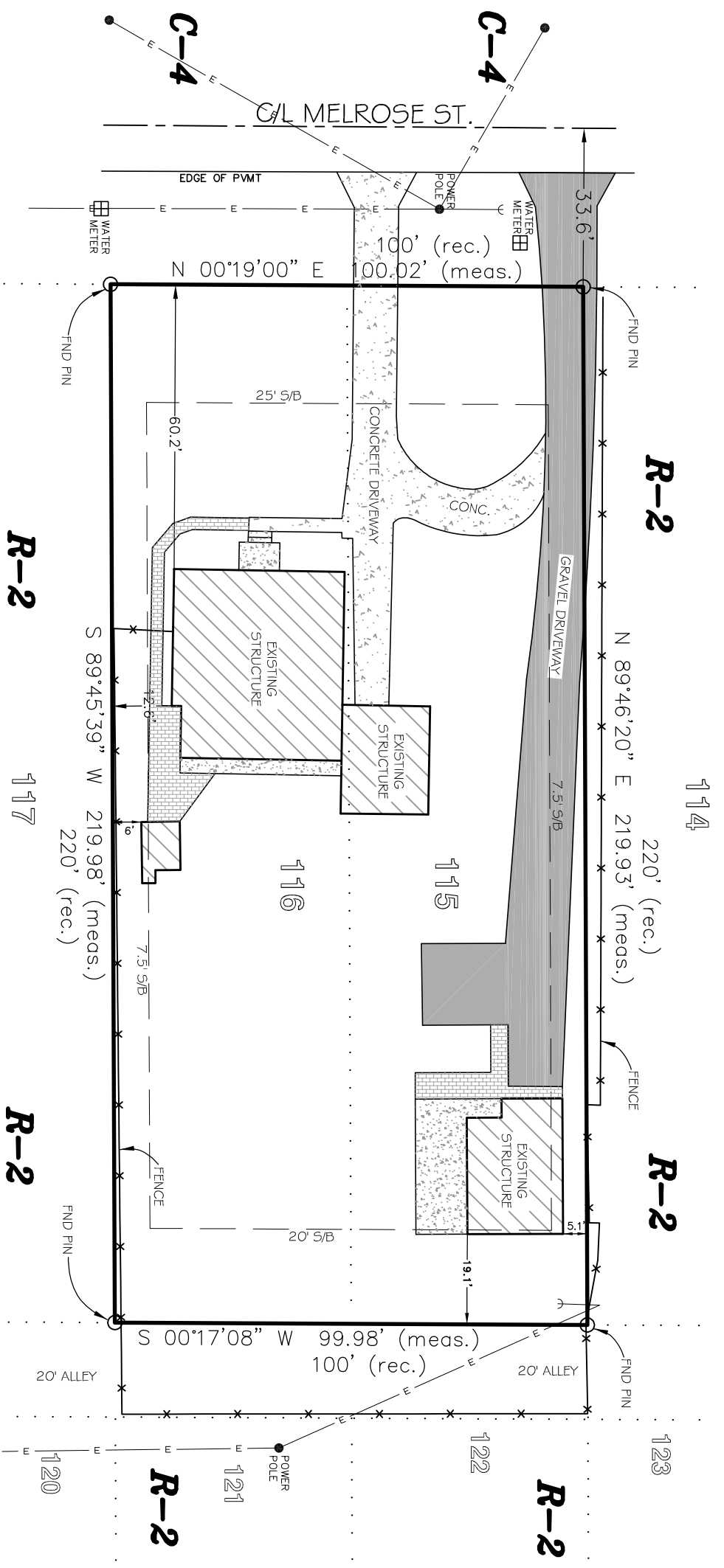
LEGAL DESCRIPTION:

Lots one hundred fifteen (15) and one hundred sixteen (116) of College Place Addition to Jonesboro, Arkansas, being part of the Northeast Quarter of Section Seventeen (17), Township fourteen (14) North, Range four (4) East.

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

- 1) The Certificate of Occupancy shall be obtained through Building and Fore Inspections of new uses satisfaction of all requirements stipulated by all City, State and Local Agencies;
- 2) That a future site development plan be submitted and reviewed by the staff prior to any future redevelopment of the 0.50 acre site;
- 3) Lighting shall be maintained at levels in compliance with Zoning Ordinances;
- 4) The signage should be limited to a 2' x 2' size (per home occupation);
- 5) Hours of operation should be limited to 7 a.m. to 9 p.m.





**EXISTING R-2 ZONING  
REQUESTED CR-1 L.U. ZONING**

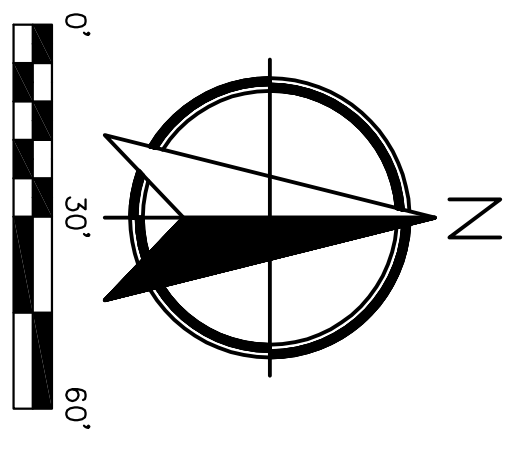
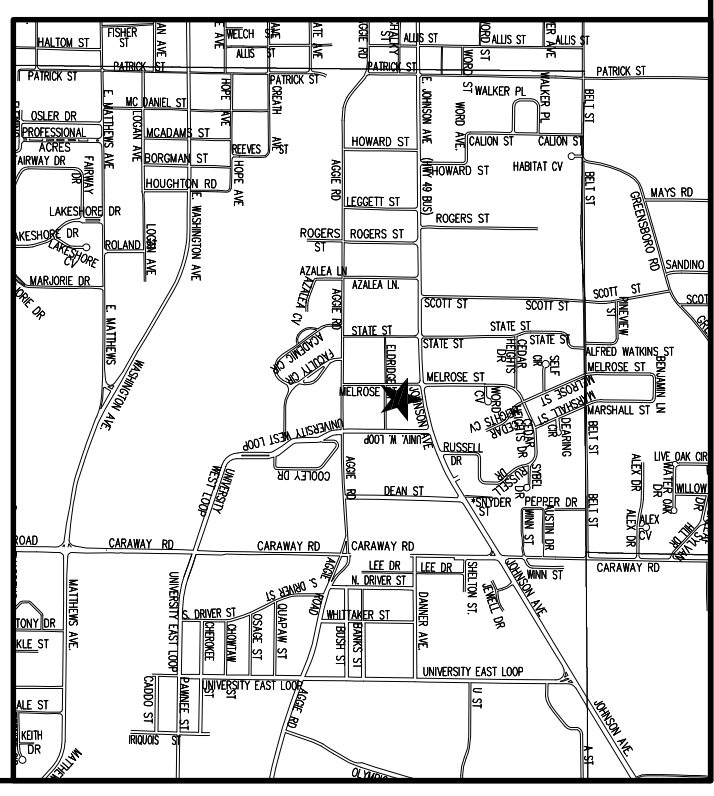
**LEGAL DESCRIPTION:**  
 Lots one hundred fifteen (115) and one hundred sixteen (116) of College Place Addition to Jonesboro, Arkansas, being part of the Northeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range four (4) East.

**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) THIS SURVEY AND PLAT ARE THE PROPERTY OF THE SURVEYOR AND ARE INTENDED FOR THE SOLE USE AND BENEFIT OF THE SURVEYOR & CLIENT.
- 2) BEARINGS BASED ON GPS OBSERVATION.
- 3) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1" IN 100,000'.
- 4) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES LEGAL DESCRIPTION PROVIDED OUR OWN RESEARCH AT THE COURTHOUSE.
- 5) ALL PINS SET ARE 1/2" REBAR, UNLESS NOTED OTHERWISE.
- 6) OWNER: NAOMI AND BOB GREEN
- 7) FLOOD PLAN: THIS TRACT DOES NOT LIE WITHIN THE 100-YR FLOOD PLAN PER FLOOD INSURANCE RATE MAP OF CRAIGHEAD CO., ARK. AND INCORPORATED AREAS, COMMUNITY PANEL NO. 05031C0044 C, DATED 09/27/91. THIS TRACT DOES LIE WITHIN A ZONE "X" FLOOD PLAN, PER THE MAP REFERENCED ABOVE.



<p><b>ENGINEERS</b></p> <p style="text-align: center;"><b>Civilogic</b></p> <p>203 Southwest Dr., Jonesboro, AR - (870) 932-7880 - www.civilogic.net</p> <p style="text-align: center;"><b>REZONING PLAT</b></p> <p style="text-align: center;">LOTS 115 &amp; 116, COLLEGE PLACE ADDN</p> <p style="text-align: center;">FOR NAOMI AND BOB GREEN JONESBORO, ARKANSAS</p>	<p><b>PLANNERS</b></p> <p><b>SURVEYORS</b></p> <p style="text-align: center;"><b>REGISTERED</b> STATE OF ARKANSAS NO. 1590 DATE 02/11/11</p> <p style="text-align: center;"><b>REGISTERED</b> PROFESSIONAL SURVEYOR DAVID R. BURNS</p>																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Date</td> <td>02/11/11</td> <td>Scale</td> <td>1" = 30'</td> <td>Job No.</td> <td>111012</td> <td>Sheet</td> <td>No.</td> </tr> <tr> <td>Section</td> <td>17</td> <td>Township</td> <td>14N</td> <td>Range</td> <td>04E</td> <td>County</td> <td>1 of 1</td> </tr> <tr> <td colspan="4">ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES</td> <td colspan="4">DRAWN BY: RE</td> </tr> </table>	Date	02/11/11	Scale	1" = 30'	Job No.	111012	Sheet	No.	Section	17	Township	14N	Range	04E	County	1 of 1	ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES				DRAWN BY: RE				<p style="text-align: center;">   </p>
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ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES				DRAWN BY: RE																					
© 2011, Civilogic				Drawn By: RE      Checked by: GH																					



*City of Jonesboro City Council*  
**Staff Report – RZ 11-06: Naomi Green 118 Melrose St.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

**REQUEST:** To consider a rezoning of a parcel of property containing approximately 0.50 acres more or less from R-2 Multi-Family Low District to CR-1 L.U.O. Commercial Residence Mixed Use District Limited Use Overlay and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as **CR-1 L.U.O.**

**APPLICANT/ OWNER:** Naomi A. Green 1812 Ellen Dr. Jonesboro AR 72404

**LOCATION:** 118 Melrose St.

**SITE DESCRIPTION:**  
 Tract Size: Approx. 0.50+/- acres, 21,996 Sq. ft. +/-  
 Frontage: Approx. 100.02' along Melrose  
 Topography: Predominantly Flat, Sloping  
 Existing Dvlpmt: Single family home and an auxiliary building

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-2	Residential (Apartments)
South:	R-2	Residential
East:	R-2	Church/ Apartments
West:	C-4	Commercial

**HISTORY:** None

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

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

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

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

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as a Residence Transitional District Area.

There is apartment complex abutting and single family homes surrounding the property as well as within the vicinity.



**Zoning/Vicinity Map**

## **MAPC Public Hearing- Record of Proceedings for March 8, 2011:**

**Mr. Hamman** presented the case noting the change from R-2 to CR-1 limited use for Ms. Amy Green who is in a unique situation. This is her family home where she grew up. She prepares salsa, tomato dishes and cans preserves and sells at another location. She purposes to take the kitchen and convert it to prepare and sell in a different location. There is no walk-in traffic here. She has met with the Building Official, Terry Adams and he has required it to meet the kitchen codes; they will have a commercial kitchen and she has also talked to the health department. They don't intend to use it as a residence at all.

**Opposition:** None.

**Staff:** Mr. Spriggs presented the findings of the staff report and noted that this is similar to a home occupation. Staff has recommended approval with the noted 5 conditions that were read. There are two structures on site to remain.

**Mr. Roberts** made a motion that we recommend this request to City Council as CR-1; Motion was 2<sup>nd</sup> by Mr. Kelton.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6 to 0 vote)

### **Findings:**

The proposed rezoning will result in existing R-2 Residential zoned property to be zoned to CR-1 L.U.O. Although the subject property abuts a single family residence, 0.50 acre site will remain residential in character with no exterior modifications transpiring.

The applicant has expressed a desire to retain the 2 existing structures on the property. The applicant's desire is to utilize the structure as a commercial kitchen to prepare and produce sauces and canned products for retail at another location. Retail and walk-ins are not included within the applicant's business plan. Therefore parking should be adequate for owner and any additional employees.

Lighting should remain within its current condition; the signage should be limited to a 2x2 if any is requested (per home occupation) and hours of operation limited to 7am to 9pm.

The second driveway should meet the standards set forth for driveway apron design, an aerial picture demonstrated that the driveway had been paved for a least the first 30' ( it has been replaced with gravel for the base, this would alleviate any sediment/gravel runoff during a heavy rain).

### **Conclusion:**

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Naomi Green , should be evaluated based on the above observations and criteria, of Case RZ 11-06 a request to rezone property from R-2 to **CR-1 L.U.O. (Residential/Commercial)** and is recommended to the City Council for approval with the following stipulations:

1. That Certificate of Occupancy be obtained though Building and Fire Inspections of new uses in satisfaction of all requirements stipulated by all City, state and local agencies.

2. That a future site development plan be submitted and reviewed by the Staff prior to any future redevelopment of the 0.50 acres.
3. Lighting shall be maintain at levels in compliance with the Zoning Ordinances.
4. The signage should be limited to a 2'x2' size (per home occupation)
5. Hours of operation shall be limited to 7am to 9pm.

Respectfully Submitted for Council Consideration,

A handwritten signature in black ink, appearing to read "Otis T. Spriggs". The signature is written in a cursive, flowing style.

Otis T. Spriggs, AICP  
Planning & Zoning Director



## SITE PHOTOGRAPHS



*View looking North along Melrose St.*



*View looking East of Melrose St./Eldridge St. intersection.*



*View looking East of subject property.*



*View looking West from rear yard of the side yard..*



*View looking East of secondary structure and driveway.*



*View looking Southeast of rear yard and abutting land.*



*View looking Southeast of rear yard and abutting land.*



*View looking North of the apartments adjacent from subject property.*



*View Looking West at Subject Structure/Home (rear).*



*View of front yard and parking area.*



Legislation Details (With Text)

**File #:** ORD-11:031    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** First Reading

**File created:** 3/10/2011    **In control:** City Council

**On agenda:**    **Final action:**

**Title:** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 5431 SOUTHWEST DRIVE AS REQUESTED BY FIRESIDE INVESTMENTS AND MARK & LISA BOWERS

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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title  
AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES

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

SECTION I: TITLE 14, 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 To C-4 Commercial, LUO, THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

Lot "A": That part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 13 North, Range 3 East, described as follows: Beginning at the Southwest corner of said SW1/4 SW1/4, run thence N0°04'00"E 49.60 feet, run thence North 89°22'09"E 318.71 feet to the true point of beginning, run thence N0°04'00"E 303.91 feet, run thence S89°56'28"E 225.19 feet, run thence S0°33'00"E 303.93 feet, N89°56'28"W 228.14 feet to the point of beginning proper, containing 1.58 acres, more or less.

SECTION II: The requested rezoning Classification is shown as C-4, Limited Use Overlay (LUO). The LUO is further restricted as follows:

1. That the proposed development shall satisfy all requirements of the City Engineer, and satisfy all requirements of the current Stormwater Drainage Design Manual.
2. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all

City, State and local agencies shall be satisfied.

3. That a future site development plan be submitted and reviewed by MAPC prior to any further redevelopment of the 1.58 acres.
4. That the replat of the Mark Bowers Minor Plat be properly filed and recorded.
5. That the parking and unloading area shall be sufficient size to allow tractor trailer delivery trucks to access the property and turn around in the parking lot, and that accessing the property by backing into the property from Highway 49 is prohibited.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: 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.

# Fireside Investments, LLC Replat of Lot 1, Mark Bowers Minor Plat (unrecorded)

**DESCRIPTION OF SURVEY:**

The following described lands in Craighead County, Arkansas, to-wit:

**Original Tract Description:**

That part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 13 North, Range 3 East, described as follows: Beginning at the Southwest corner of said SW1/4 SW1/4, run thence N0°04'00"E 49.60 feet, run thence N89°22'09"E 318.71 feet to the true point of beginning, run thence N0°04'00"E 303.91 feet, run thence S89°56'28"E 285.19 feet, run thence S0°33'00"E 303.93 feet, run thence N89°56'28"W 288.14 feet to the point of beginning proper, containing 2 acres, more or less, and being subject to all public and private roads and easements, also described as Lot 1 of Mark Bowers Minor Plat of a Part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 13 North Range 3 East.

**INTO:**

**LOT "A":**

That part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 13 North, Range 3 East, described as follows: Beginning at the Southwest corner of said SW1/4 SW1/4, run thence N0°04'00"E 49.60 feet, run thence N89°22'09"E 318.71 feet to the true point of beginning, run thence N0°04'00"E 303.91 feet, run thence S89°56'28"E 225.19 feet, run thence S0°33'00"E 303.93 feet, run thence N89°56'28"W 228.14 feet to the point of beginning proper, containing 1.58 acres, more or less.

**LOT "B":**

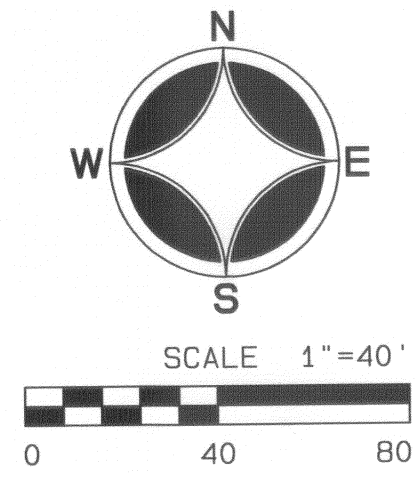
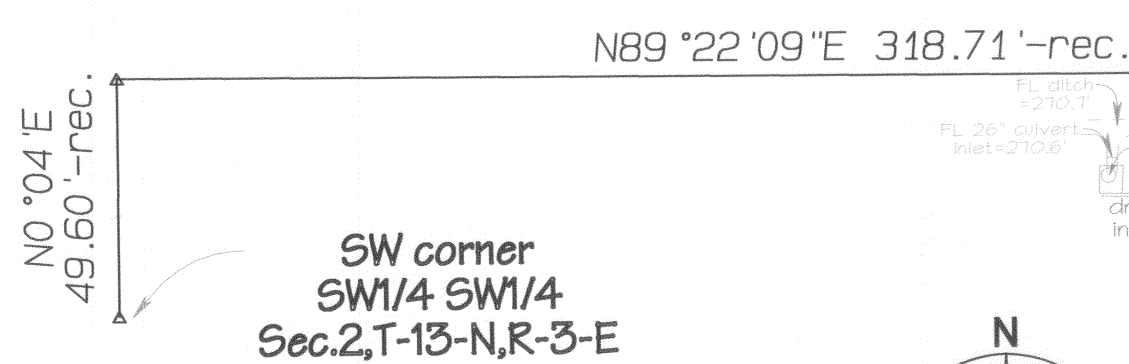
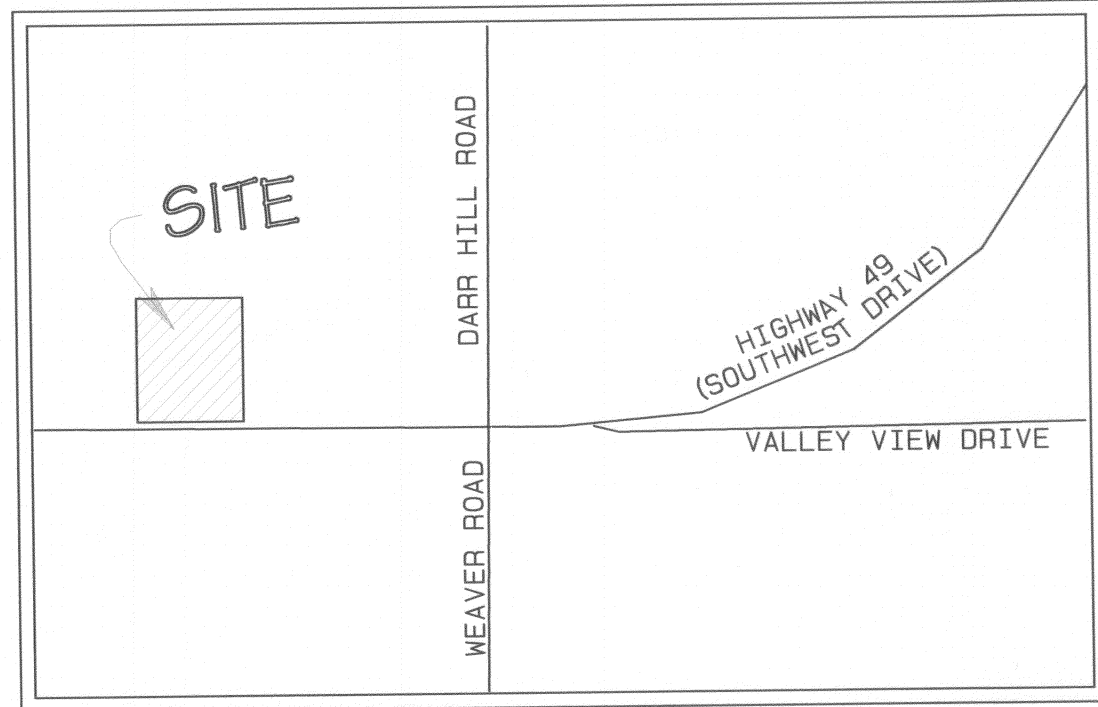
That part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 13 North, Range 3 East, described as follows: Beginning at the Southwest corner of said SW1/4 SW1/4, run thence N0°04'00"E 49.60 feet, run thence N89°22'09"E 318.71 feet, run thence N0°04'00"E 303.91 feet, run thence S89°56'28"E 225.19 feet to the true point of beginning, run thence S89°56'28"E 60.0 feet, run thence S0°33'00"E 303.93 feet, run thence N89°56'28"W 60.0 feet, run thence N0°33'00"E 303.93 feet to the point of beginning proper, containing 0.42 acre, more or less.

**Notes:**

- 1.) See Deed Book 580 at page 453.
- 2.) Bearings from record. Measured GPS bearings shown.

Dated: February 11, 2011

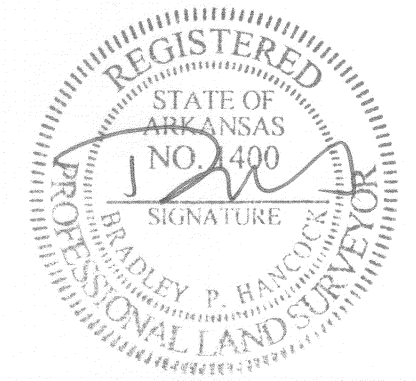
VICINITY MAP: not to scale



**OWNERS CERTIFICATION:**  
We the owners of the hereon described tract do hereby accept the plan of replat as plated hereon, further dedicating all easements and rights-of-way to public use.

*x Matt [Signature]*                      *x Luis Bowers [Signature]*

**ZONING:**  
This property is currently Zoned R-1 (Residential Use).



Replat for:  
Fireside Inv. LLC

Bradley P. Hancock  
Surveying & Mapping  
120 North Second Street  
Paragould, Arkansas





*City of Jonesboro City Council*  
**Staff Report – RZ 11-07: Mark & Lisa Bowers 5431 Southwest Dr.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on March 15, 2011*

**REQUEST:** To consider a rezoning of a parcel of property containing approximately 1.58 acres more or less from R-1 Single Family to C-4 L.U.O. and make recommendation to City Council.

**PURPOSE:** A request to consider approval by the Metropolitan Area Planning Commission and recommend to City Council for final action as **C-4 L.U.O.**

**APPLICANT/ OWNER:** Fireside Investments, 2000 Hwy. 25 B North, Ste. D2, Heber Springs, AR 72453  
 Mark/Lisa Bowers, 5431 Southwest Dr., Jonesboro AR 72404

**LOCATION:** 5431 Southwest Dr. (Replat of Lot 1, Mark Bowers Minor Plat-Lot A)

**SITE DESCRIPTION:** Tract Size: Approx. 1.58 +/- acres, 68,881 Sq. ft. +/-  
 Frontage: Approx. 228.14 ft. along Hwy. 49S  
 Topography: Flat  
 Existing Developmt.: Vacant

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Single Family Residential
South:	C-4	Vacant Neighborhood Commercial
East:	R-1	Residential
West:	C-4/R-1	Vacant Neighborhood Commercial/Res.

**HISTORY:** None.

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

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

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

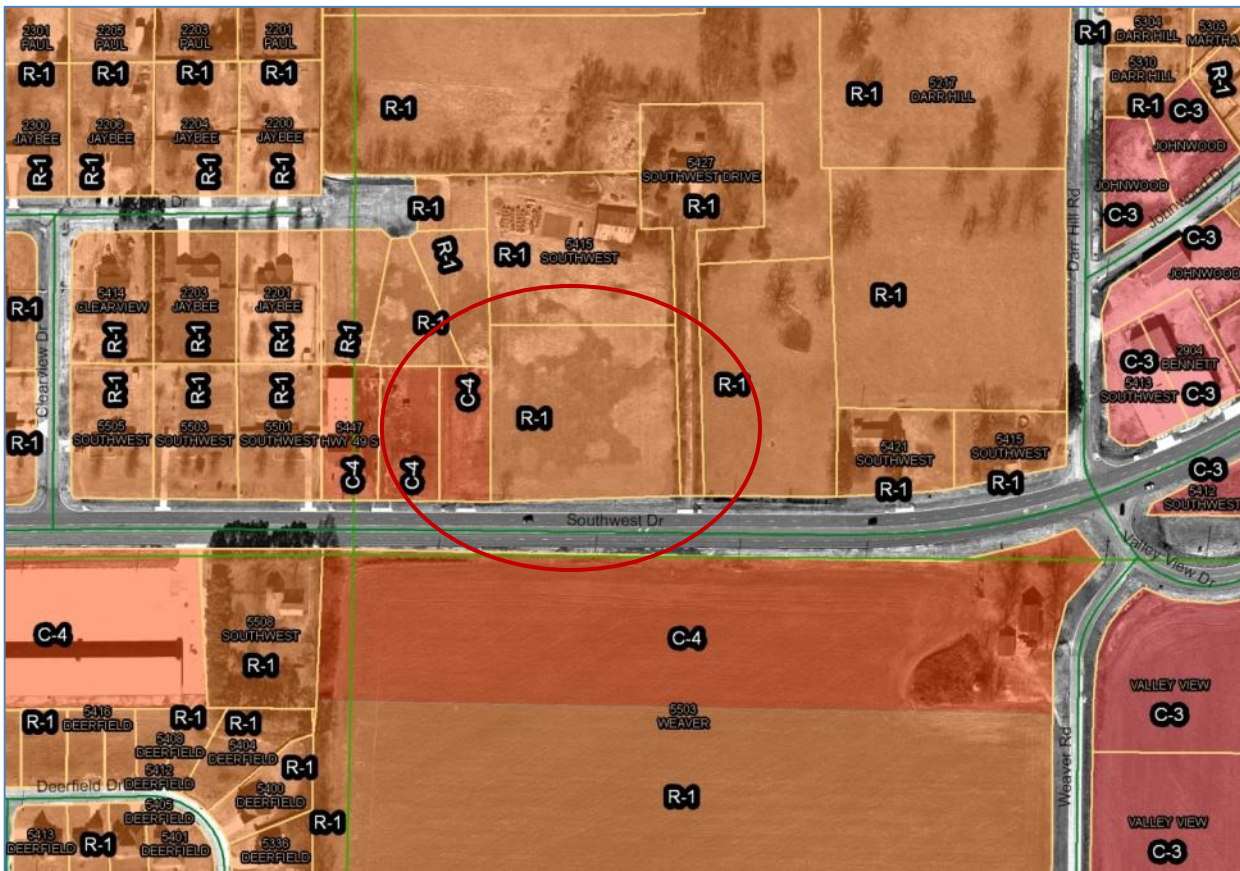
- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as a Single Family Residential District Area.

This planning area has been highlighted to remain single family. There are numerous apartment complexes surrounding the property as well as within the vicinity.



**Zoning/Vicinity Map**

## **MAPC Public Hearing: Record of Proceedings for March 8, 2011:**

**Mr. Don Parker, Atty.:** Represented the applicant: Fireside Investments LLC, Rick Long and Rodney Watson. The owner of the subject property Mark and Lisa Bowers are joining application.

**Don Parker, Atty.** This is a request from R-1 to C4 LUO Neighborhood Retail service for a Dollar General on Southwest Dr. on 1.5 acres. The Bowers own property to the north and back to the east. Mr. Ken Yarbrough owns the land across the street which is C-4 vacant agricultural, with the area to the southwest being a C-4 strip commercial center, with C-3 to the east and R-1 Single Family. This is a slight deviation from the Land Use Plan, but we have met with the City Planner and he has noted that he has no major opposition to the rezoning request.

**Opponents:** None.

**Mr. Tomlinson:** Asked if the applicant had problems with the stipulations. He added a condition that all delivery trucks will enter and exit the site in a forward motion.

**Staff Comments: Mr. Spriggs** stated that staff has no major concerns or comments other than the staff report findings. Southwest Dr. is a principal arterial and the plat shows adequate right of way being that the improvements are already completed. Staff recommends approval with the noted stipulations.

**Mr. Kelton** made a motion that we recommend this case to City Council as C-4 L.U.O. Neighborhood Retail Service with stipulations. Motion was 2<sup>nd</sup> by Mr. Scurlock.

**Roll Call Vote:** Mr. Hoelscher- Aye; Mr. Roberts- Aye; Mr. Kelton- Aye; Mr. Tomlinson- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye. (6 to 0 vote)

### **Findings:**

The proposed rezoning will result in the rezoning of an existing R-1 Residential zoned property to C-4 L.U.O. (Lot A). The subject tract of ground is adjacent to other C-4 Zoning Classified parcels to the west and south (see zoning map above).

The applicant has stated that the property if rezoned will be developed as a Dollar General Store. Under the C-4 District, retail/service is allowed as a conditional use. Staff is agreeable to rezoning the subject tract as a Limited Use Overlay, Neighborhood Retail/Service with the consideration by MAPC for proper screening and coordination of surrounding developing properties. MAPC is urged to give attention to access management and provide for increased separation of driveways along Hwy. 49S, a five lane Principal Arterial on the Master Street Plan.

### **Landscaping/Buffering:**

Consideration of landscaping and buffering should be made for the properties remaining residential to the East and North. Staff is suggesting that a final landscaping plan be submitted that will demonstrate privacy fencing and buffering to neighboring properties without compromising safety at the right of way.

### **Conclusion:**

The Planning Department Staff and the MAPC find that the requested Zone Change submitted by Mark/Lisa Bowers, should be evaluated based on the above observations and criteria, of Case RZ 11-07 a request to rezone property from R-1 to **C-4 L.U.O. Neighborhood Retail/Service**, is recommended to the City Council with 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. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all City, State and local agencies shall be satisfied.
3. That a future site development plan be submitted and reviewed by the MAPC prior to any future redevelopment of the 1.58 acres.
4. That the replat of the Mark Bowers Minor Plat be properly filed and recorded upon Rezoning adoption.
5. That all delivery trucks will enter and exit the site in a forward motion.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

## SITE PHOTOGRAPHS



*View looking West along Hwy 49S, Site to the right*



*View looking East along Hwy 49S, Site to the left*



*View looking South across Hwy. 49S from project Site*



*View looking North in between existing structures on subject property..*



*View looking West along South side of Hwy 49S, Site to the right*



*View looking North toward project site*



## Legislation Details (With Text)

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**File #:** RES-11:031    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Recommended Under New Business  
**File created:** 3/3/2011    **In control:** Finance & Administration Council Committee  
**On agenda:**    **Final action:**  
**Title:** RESOLUTION AUTHORIZING FINANCING UNDER AMENDMENT 78 FOR CAPITAL IMPROVEMENTS WITH INTEGRITY FIRST BANK  
**Sponsors:** Mayor's Office, Finance  
**Indexes:**  
**Code sections:**  
**Attachments:** [2011-99 Tax Exempt Financing - Bid Sheet](#)  
[Written Proposal Integrity First Bank](#)  
[Information concerning loan](#)

Date	Ver.	Action By	Action	Result
3/8/2011	1	Finance & Administration Council Committee		

title  
RESOLUTION AUTHORIZING FINANCING UNDER AMENDMENT 78 FOR CAPITAL IMPROVEMENTS WITH INTEGRITY FIRST BANK

body  
BE IT RESOLVED BY the City Council for the City of Jonesboro, Arkansas to enter into an agreement with Integrity First Bank for a closed line of credit for up to 24 months with a five year payout in the amount of \$10,500,000 at 2.37% tax-exempt, fixed rate.





February 23, 2011

**To: City of Jonesboro**  
**Subject: Request for Proposal**  
**Tax Exempt Financing**

870-935-8400 • FAX 870-935-8401  
P.O. Box 16420  
Jonesboro, AR 72403-6420  
www.integrity1stbank.com

In response to the City of Jonesboro's request for proposals for tax-exempt financing under Amendment 78 for capital improvements, Integrity First Bank submits the following:

Subject to Integrity First Bank receiving legal counsel opinion that the following transaction is legal, valid, binding, tax-exempt, and a general obligation of the City of Jonesboro, Arkansas, we submit the following proposal:

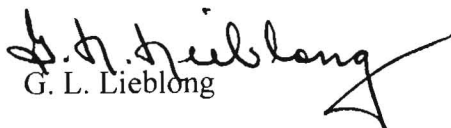
Credit Facility:	Closed end line of credit for up to 24 months to facilitate the necessary time to complete capital improvements. Upon completion of the improvements, the balance of the loan will be placed on annual payments to fully amortize balance 5 years from the original date of line of credit.
Loan Amount:	\$10,500,000
Pricing:	**2.37% tax-exempt Fixed for 5 years
Collateral:	Unsecured
Term:	Interest only year one, then 4 annual payments to fully amortize debt
Closing or other expenses charged by IFB:	Zero

**\*\*Pricing and terms stated above will expire thirty days from the date of this letter**

Requested Financial Institution Information:

Lender Name:	Integrity First Bank
Lender Address:	400 East Highland Drive Jonesboro, AR 72401
Primary Contact Person:	G. L. Lieblong
Primary Contact Phone Number:	(870) 935-8400
Primary Contact E-Mail:	<a href="mailto:gllieblong@integrity1stbank.com">gllieblong@integrity1stbank.com</a>

Sincerely,

  
G. L. Lieblong

# 2011 Capital Improvement Projects

- Public Works Facility on Lacy Drive
- Fire Station #4 on Harrisburg Road
- City Hall Expansion/Relocation



# Public Works Facility

Project Description	Estimated Cost
Mechanic Shop	\$1,950,000
Warehouse	2,000,000
Administration Building	800,000
Fuel Depot and Car Wash	400,000
Fencing, IT Conduits, etc.	100,000
Site Security Features	125,000
Automated Vehicle Maintenance Tracking System	225,000
Covered Parking Stalls for Sanitation and Street Dept Trucks	700,000
Concrete Aggregate Storage Bins	200,000
Equipment	150,000
Less Expenses Incurred (Mechanic Shop)	(960,350)
<b>Remaining Balance</b>	<b>\$5,689,650</b>

# Fire Station #4



- Approximately 10,000 Square Feet
- 2 Engines, 12 firefighters with 3 firefighters staffing the station 24/7

Project Description	Estimated Cost
Fire Station	\$1,900,000
Equipment *	20,000
<b>Total Cost</b>	<b>\$1,920,000</b>

\* Remaining equipment in old fire station will be moved to new fire station

# City Hall Expansion/Relocation

- City sold Huntington Building 2010
- Departments to be relocated
  - Planning (4 employees)
  - Engineering (11 employees)
  - Inspections (7 employees)
  - Finance (1 employees)
  - Grants (2 employees)

\$2,890,350 (remaining available balance)



# Estimated Capital Improvement Projects Cost

Capital Improvement Projects	Estimated Cost
Public Works Facility	\$5,689,650
Fire Station #4	1,920,000
City Hall Expansion/Relocation *	2,890,350
<b>Total Projects Cost</b>	<b>\$10,500,000</b>

\* Amount undetermined



# Tax-Exempt Financing Summary

Loan Amount \$10,500,000

Interest 2.37% tax-exempt fixed for 5 years

Collateral Unsecured

Term Interest only year one then four annual payments

Closing Cost Zero

Financing provided by Integrity First Bank





# INTEGRITY FIRST BANK

February 23, 2011

**To: City of Jonesboro**  
**Subject: Request for Proposal**  
**Tax Exempt Financing**

870-935-8400 • FAX 870-935-8401  
P.O. Box 16420  
Jonesboro, AR 72403-6420  
www.integrity1stbank.com

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Subject to Integrity First Bank receiving legal counsel opinion that the following transaction is legal, valid, binding, tax-exempt, and a general obligation of the City of Jonesboro, Arkansas, we submit the following proposal:

**Credit Facility:** Closed end line of credit for up to 24 months to facilitate the necessary time to complete capital improvements. Upon completion of the improvements, the balance of the loan will be placed on annual payments to fully amortize balance 5 years from the original date of line of credit.

**Loan Amount:** \$10,500,000

**Pricing:** \*\*2.37% tax-exempt  
Fixed for 5 years

**Collateral:** Unsecured

**Term:** Interest only year one, then 4 annual payments to fully amortize debt

**Closing or other expenses charged by IFB:** Zero

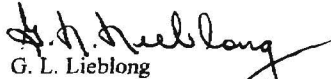
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**Lender Address:** 400 East Highland Drive  
Jonesboro, AR 72401

**Primary Contact Person:** G. L. Lieblong  
**Primary Contact Phone Number:** (870) 935-8400  
**Primary Contact E-Mail:** [gllieblong@integrity1stbank.com](mailto:gllieblong@integrity1stbank.com)

Sincerely,

  
G. L. Lieblong



# CONSTRUCTION INFLATION REPORT

	Forecast date	2009	2010	2011	2012	2013
<b>Faithful+Gould</b>	Feb 10	-10	-3	0	+3	+4
<b>BCIS</b>	Feb 10	-10.9	-2.8	+2.9	+3.3	+3.2
<b>Davis Langdon</b>	Jan 10	-10	-4 to -6	-1 to -4	n/a	n/a
<b>EC Harris</b>	Q4 09	-10.5	-3	+1.5	+3	+4
<b>Cyril Sweett</b>	Nov 09	-7	-5	+1	+2	+3.5
<b>Gardiner &amp; Theobald</b>	Q4 2009	-8.5	-4.5	+1	+2	+4
<b>Sense (Mace)</b>	Feb 10	-10	-5	-1	+1	n/a

## Competitors' views

This table shows our competitors' forecasts, highlighting the variable predictions on construction inflation (% change year on year).

Note: % change year on year. Copyright - [Faithful + Gould](#)

# General Information

- Current interest rate on Capital Improvement Funds is 1.393%
- Interest on proposed financing 2.37%
- Only .98% spread between interest expense and interest earned.
- Various building costs are expected to rise drastically in the upcoming year.

