



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Council Agenda City Council

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Tuesday, June 2, 2009

6:30 PM

Huntington Building

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

*City Council Chambers, Huntington Building*

### **APPEAL HEARING AT 6:15 P.M.**

*Regarding the abandonment of part of Leroy Street lying east of Donald Street and north of Oliver Street as requested by Nettleton Public Schools*

### **1. Call to order by the Mayor at 6:30 P.M.**

### **2. Pledge of Allegiance and Invocation**

### **3. Roll Call by the City Clerk**

### **4. Special Presentations**

### **5. Consent Agenda**

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

**MIN-09:052** Minutes for the City Council meeting on May 19, 2009.

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

**RES-09:084** A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO APPROVE A CONTRACT WITH DD&F CONSULTING GROUP TO DEVELOP A COMPREHENSIVE CONTINUITY PLAN.

**Sponsors:** Mayor's Office

**Attachments:** [2009 Business Continuity Plan Retainer revised 5-7-09](#)

**Legislative History**

5/21/09	Finance & Administration	Recommended to Council
	Council Committee	

### **6. New Business**

*Ordinances To Be Introduced*

**ORD-09:034** AN ORDINANCE TO VACATE AND ABANDON A PART OF LEROY STREET RIGHT OF WAY AS REQUESTED BY NETTLETON PUBLIC SCHOOLS

**Attachments:** [Plats](#)  
[Petitions](#)  
[City Staff Letter Leroy Street Abandonment](#)  
[Utility Letters](#)

*Resolutions To Be Introduced*

**RES-09:091** RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN EXISTING DRAINAGE AND UTILITY EASEMENT LOCATED NORTH OF PINNACLE POINT AS REQUESTED BY PETE AND SARAH MURPHY

**Attachments:** [Utility Letters](#)  
[Plat](#)  
[Petition](#)  
[Letter from City of Jonesboro](#)

**COM-09:068** Request by Robert Sartin to set an appeal hearing regarding the decision by the Board of Zoning Adjustment concerning property located at 2918 Casey Springs Road.

**Attachments:** [Appeal Letter](#)  
[BZA Minutes](#)

## **7. Unfinished Business**

*Ordinances on Second Reading*

**ORD-09:024** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 91 AND LACY DR., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

**Sponsors:** Public Works and Mayor's Office  
**Attachments:** [LACY REZONE PLAT](#)  
[Rezone Application\\_City of JBORO\\_Lacy Rd](#)  
[MAPC Report](#)

**Legislative History**

5/5/09	Public Works Council Committee	Recommended to Council
5/19/09	City Council	Held at one reading

**ORD-09:032** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED AT 4800 E. JOHNSON AVE. (49N) FROM R-1 RESIDENTIAL AND C-3 GENERAL COMMERCIAL TO PD-C PLANNED DEVELOPMENT COMMERCIAL FOR PROPERTY LOCATED ON THE NORTH SIDE OF HIGHWAY 49N WEST OF BRIDGER ROAD AS REQUESTED BY NEA BAPTIST MEMORIAL HEALTH

**Attachments:** [Rezoning Plat](#)  
[MAPC Report](#)  
[NEA Baptist Criteria and Covenants by MAPC](#)  
[CD2 Conceptual Development Plan](#)  
[CD3 Development Conditions](#)  
[CD4 Conceptual Grading Plan](#)  
[CD5 Conceptual Utility Plan](#)  
[Conceptual Masterplan](#)  
[Conceptual PD\\_m-color](#)  
[Development Conditions](#)  
[Project Narrative](#)  
[Zoning](#)  
[Zoning Application](#)  
[Parking Lot Information](#)

**Legislative History**

5/19/09 City Council Held at one reading

**8. Mayor's Reports**

**COM-09:056** Jonesboro Airport Commission financial statements for the four months ended April 30, 2009, and 2008

**Sponsors:** Municipal Airport Commission

**Attachments:** [Airport Finance Statements](#)

**Legislative History**

5/21/09 Finance & Administration Read  
 Council Committee

**9. City Council Reports**

**10. Public Comment**

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

**11. Adjournment.**



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, May 19, 2009

6:30 PM

Huntington Building

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### PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

#### 1. Call to order by the Mayor at 6:30 P.M.

#### 2. Pledge of Allegiance and Invocation

#### 3. Roll Call by the City Clerk

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

#### 4. Special Presentations

**COM-09:062** A proclamation read by Mayor Harold Perrin recognizing the Jonesboro Leadership Class of 2009 for organizing Jonesboro's 1st City Employee Lunch Celebration.

**Sponsors:** Mayor's Office

**This item was Read.**

**COM-09:063** Mayor Perrin will read a proclamation recognizing the week of May 17-23, Public Works Appreciation Week.

**Sponsors:** Mayor's Office

**Attachments:** [Public Works Employment Statistics](#)

**This item was Read.**

#### **Presentation by Police Chief Michael Yates regarding the new Police Department website**

*Chief Yates discussed the new website, located at [www.jonesboropolice.com](http://www.jonesboropolice.com) or [www.jonesboropolice.org](http://www.jonesboropolice.org). He explained they will be able to use the website to share information concerning gang activity and it will be able to be accessed by police officers while they are in their vehicles. He stated the website should be fully operational by the end of the month. He noted the whole thing is being paid for with drug forfeiture money.*

#### 5. Consent Agenda

*Approval of the Consent Agenda*

**A motion was made by Councilman John Street, seconded by Councilman Mikel Fears, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote**

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

**MIN-09:047** Minutes for the City Council meeting on May 5, 2009.

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

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

**MIN-09:049** Minutes for the special called City Council meeting on May 11, 2009.

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

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

**RES-09:064** A RESOLUTION TO CONTRACT WITH MID-AMERICA SPORTS MANAGEMENT TO PROVIDE BASEBALL GAMES AND TOURNAMENTS AT DERAL BURROW BASEBALL PARK.

**Sponsors:** Parks & Recreation

**Attachments:** [Mid-America Sports Management Agreement \(Little League\) 2009-2012](#)

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

Enactment No: R-EN-047-2009

**RES-09:072** A RESOLUTION TO THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH ARKANSAS STATE UNIVERSITY - JONESBORO TO CONDUCT A VEGETATION MANAGEMENT PROJECT OF URBAN IN-STREAM ENVIRONMENTS THAT ARE IMPAIRED WITH EXCESS SEDIMENTS, NUTRIENTS, BACTERIA, AND TRACE METALS

**Sponsors:** Engineering

**Attachments:** [Vegetative Management Agreement](#)

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

Enactment No: R-EN-048-2009

**RES-09:073** A RESOLUTION TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION, ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT AND THE ARKANSAS STATE HISTORIC PRESERVATION OFFICER REGARDING THE RELOCATION OF THE CACHE RIVER BRIDGE AND THE BAYOU DE VIEW BRIDGE

**Sponsors:** Parks & Recreation

**Attachments:** [AHTD Memorandum of Agreement on Historic Bridges \(Cache and Bayou De  
Guidelines for Preserving and Rehabilitating Restoring and Constructing Hsit  
Cost Estimate for Bridges \(3\)](#)

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

Enactment No: R-EN-049-2009

**RES-09:080**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOWEST RESPONSIBLE BID AND ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER CAMERON CONSTRUCTION CO., INC. FOR SIDEWALK CONSTRUCTION IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Bid 2009-21 - Bid Tab](#)  
[Contract Documents - Cameron](#)

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

Enactment No: R-EN-050-2009

**6. New Business**

*Ordinances on First Reading*

**ORD-09:024**

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 91 AND LACY DR., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

**Sponsors:** Public Works and Mayor's Office

**Attachments:** [LACY REZONE PLAT](#)  
[Rezone Application City of JBORO Lacy Rd](#)  
[MAPC Report](#)

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

**This Ordinance was Held at one reading.**

**ORD-09:032**

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED AT 4800 E. JOHNSON AVE. (49N) FROM R-1 RESIDENTIAL AND C-3 GENERAL COMMERCIAL TO PD-C PLANNED DEVELOPMENT COMMERCIAL FOR PROPERTY LOCATED ON THE NORTH SIDE OF HIGHWAY 49N WEST OF BRIDGER ROAD AS REQUESTED BY NEA BAPTIST MEMORIAL HEALTH

**Attachments:** [Rezoning Plat](#)  
[MAPC Report](#)  
[NEA Baptist Criteria and Covenants by MAPC](#)  
[CD2 Conceptual Development Plan](#)  
[CD3 Development Conditions](#)  
[CD4 Conceptual Grading Plan](#)  
[CD5 Conceptual Utility Plan](#)  
[Conceptual Masterplan](#)  
[Conceptual PD\\_m-color](#)  
[Development Conditions](#)  
[Project Narrative](#)  
[Zoning](#)  
[Zoning Application](#)  
[Parking Lot Information](#)

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

*Councilman Moore asked the ordinance be held at one reading. Mr. Ed Hargraves from the consulting firm that prepared the rezoning application asked the Council proceed with three readings at tonight's meeting. Councilman McCall stated he had questions regarding drainage, noting in the area there have been numerous issues with drainage due to the development. Mr. Hargraves explained they met with the City Engineer today and are aware of the drainage problems in the area. He added they are prepared to do on-site detention to make sure they do not have runoff. Discussion was held concerning the entrances to the property. Mr. Hargraves stated they are working with the Highway Department and Engineering Department to resolve any issues. Councilman Fears questioned whether they have met with the public in that area to address any neighborhood concerns. Mr. Hargraves answered yes, they had a public meeting about a week or ten days prior to the MAPC meeting with 15 or 20 residents in attendance. He added their radius of notification was 500 feet and they sent out 52 notices.*

*Mr. Preston Williams, property owner on the northern part of the proposed rezoning, stated he does not oppose the project, but is concerned about parking lot security. He discussed the crimes that could take place there. He noted the employee parking lot is close to his property and 20% of the crimes could take place there. He stated they would like a chain-link fence to keep people off their property. Mr. Hargraves stated security is a prime concern and there will be 24-hour security cameras. He added they are still developing the site plan and are taking his information into consideration.*

**This Ordinance was Held at one reading.**

#### *Resolutions To Be Introduced*

**RES-09:083** RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF PART OF LEROY STREET LYING EAST OF DONALD STREET AND NORTH OF OLIVER STREET AS REQUESTED BY NETTLETON PUBLIC SCHOOLS

**Attachments:** [Petitions](#)  
[Plats](#)  
[Utility Letters](#)  
[Planning Department Letter](#)

**A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by an unanimous vote**

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

Enactment No: R-EN-051-2009

## **7. Unfinished Business**

### *Ordinances on Second Reading*

**ORD-09:027**

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE FAMILY MEDIUM DENSITY DISTRICT TO C-4 LUO NEIGHBORHOOD COMMERCIAL DISTRICT - LIMITED USE OVERLAY FOR PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHLAND DRIVE BETWEEN CRAFTS DRIVE AND BROWNS LANE AS REQUESTED BY DOROTHY HILL AND CONNIE WOODS

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

*Mr. Skip Mooney, attorney for the opposition, stated all of the issues were addressed at the MAPC meeting and they no longer have any objections.*

*Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive the third reading. 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 an unanimous vote**

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

Enactment No: O-EN-026-2009

## **8. Mayor's Reports**

*Mayor Perrin explained they will be working with Legacy Landfill concerning a composte site. He also stated he will be meeting with the department heads during a retreat in June in order to look at City's progress over the past six months and upcoming budget. He added they have sent a letter to the vendor regarding the Master Street Plan in order to ask for more information. He explained the Master Land Use plan is being held up due to the Master Street Plan.*

*Mayor Perrin stated they are hoping to have a draft computer policy for the Finance Committee to review at the meeting on Thursday. He explained they recently sent letters to the Highway Departments regarding traffic flow at certain intersections in town. He further explained they have received approval for a double left hand turn lane on Windover and Highway 1 and a double lane on Parker turning onto Highway 1.*



*Mayor Perrin announced the City's sale on June 13. He also announced the fleet maintenance software will be installed at the Police Department before being disbursed to the other City departments who will be using it. He stated 13 tornado sirens have already been installed.*

**COM-09:065** List of Street Department projects as provided by Mayor Perrin on May 19, 2009.

**Sponsors:** Mayor's Office

**Attachments:** [Project List](#)

**This item was Read.**

## **9. City Council Reports**

*Councilman Street explained at the MPO meeting today MPO Director Amin Ulkarim indicated they will be interviewing people on October 8 regarding sidewalks. He added they are asking for volunteers to provide input.*

**RES-09:088** A RESOLUTION AMENDING THE PROGRAM YEAR 2008 ANNUAL ACTION PLAN AND TO APPROVE A SIDEWALK REPLACEMENT PROJECT WITH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - RECOVERY FUNDS (CDBG-R) AND AUTHORIZING SUBMISSION OF THE AMENDMENT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Sponsors:** Community Development

**Attachments:** [Council Communication](#)

*Councilman Dover motioned, seconded by Councilman Moore, to suspend the rules and add a resolution to the agenda. All voted aye.*

**A motion was made by Councilman Darrel Dover, seconded by Councilwoman Ann Williams, that this Resolution be Passed. The motion CARRIED by a Voice Vote.**

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

Enactment No: R-EN-052-2009

*Councilman Gibson thanked the Police Department for their help addressing a speeding problem in his ward.*

*Councilwoman Williams announced the Finance Committee recently voted to change the time and date of their regular meetings, but that won't take affect until June.*

*Councilman Moore motioned, seconded by Councilman Dover, to suspend the rules and place an ordinance on the agenda. All voted aye.*

**ORD-09:033** ORDINANCE TO WAIVE COMPETITIVE BIDDING TO PURCHASE A GMC YUKON FOR THE MAYOR'S OFFICE

**Sponsors:** Mayor's Office

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

*Councilman Moore explained the Mayor's Office will be purchasing a used vehicle and their current vehicle will be used by the Police Department. He noted the Police Department has enough money in their budget to purchase the used vehicle for the Mayor's Office.*

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

*Councilman Street motioned, seconded by Councilman Moore, to adopt the emergency clause. All voted aye.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.**

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

Enactment No: O-EN-027-2009

*Councilman Moore asked for an update concerning Principal and APERS. He questioned whether they are still waiting on an actuarial study in order to compare the two plans for the employees retirement benefits. Mayor Perrin explained they have the actuarial study back from Principal. He further explained the comparison regarding Principal and APERS should be back from Wentz sometime next week. He added he, Councilwoman Williams, Human Resources Director Gloria Roark and Finance Director Jim Barksdale recently met with Principal Financial Group and will meet with them again to discuss the City's annuities. He asked if any Council member has questions to let him know so they can cover those concerns during the meeting with Principal. He added he hopes to present something to the Council in the next 30 to 45 days.*

*Councilman Moore then discussed property the City owns on the corner of Chestnut and Huntington. He stated he has been contacted by a citizen with a concern about water standing in one of the areas where a house had been torn down. Councilman Street noted there are two lots and both of them retain water and need to be cleaned up from the ice storm. Mayor Perrin stated they would take care of it.*

*Councilman Hargis noted tomorrow morning at 8:30 a.m. there will be a meeting at the airport to show an air service that is interested in doing business at the Jonesboro Airport. Mayor Perrin explained it's his understanding the Jonesboro Airport will be working with other towns in Arkansas, such as Hot Springs and El Dorado, to provide air service.*

*Public Works Director Erick Woodruff stated they have received the preliminary site plan regarding the layout of the Street and Sanitation facility. He further explained they are getting a cost estimate and are on schedule.*

## **10. Public Comment**

**COM-09:061**

Request by Ms. Bridgette Davis to address the City Council regarding her mobile

vending business.

**Attachments:**    [Supporting information](#)  
[Letter from Mayor's Office](#)

*Ms. Davis questioned how people can set up mobile units in parking areas without clutter, yet being able to maintain an income for their families. She noted the money would not be used towards fund raisers; rather, it would be for personal income. Councilman McCall asked Ms. Davis for more details. Ms. Davis reiterated the income would not be for fund raisers. She gave the example of someone setting up a concession stand for furniture, fruits, etc., and not just mobile units. She noted some people just have cars that would be set up with things set up, such as racks with shoes on them. She stated it would be in vacant lots or in some business parking lots. She asked the Council to revisit the ordinance to allow for people to be able to do that type of business. She explained not everyone can work or afford daycare. Councilman Fears noted the ordinance was set up in order to regulate the number of people with those types of businesses so there's not one on every street. Councilman McCall questioned whether Ms. Davis was speaking on her behalf, for something she wanted to do. Ms. Davis answered no, she's speaking on behalf of the community. Mayor Perrin explained he, City Attorney Phillip Crego, City Planner Otis Spriggs and Mr. Woodruff concerning the topic. He further explained the topic came up due to a fundraiser Ms. Davis was interested in having for her church at the parking lot at Kmart and Sears, which she has permission to do. He added during the discussion Ms. Davis proposed the City look at the ordinance to allow for mobile units to be used for things other than fundraisers. He added it would fall under Public Works.*

*Mr. Robert Sartin expressed concern about the City re-striping two neighborhoods that went bankrupt. He asked if the re-striping was coming out of City funds. Councilman McCall questioned what neighborhoods Mr. Sartin was referring to. Mr. Sartin answered Jamestown and Maple Valley. Councilman Street stated he had the same concerns, but the neighborhoods were bonded. City Engineer Craig Light explained the developer that purchased the remaining lots in those subdivisions posted money with the City to cover the costs, but the City would still be picking up some of the cost. He further explained the City is paying for lots that were previously developed. Mr. Sartin proposed the City retain money from the sale of remaining lots from developments where the developer hasn't finished the developing in order to pave the streets in those areas.*

*Mr. Kent Craford, CEO of Seaport Airlines, invited the Council and members of the public to the meeting tomorrow so Seaport can introduce themselves to the public. He noted they will be doing some demonstration flights starting at 8:30 a.m.*

**This item was Read.**

## **11. Adjournment.**

**A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, that this meeting be Approved on the Consent Agenda. The motion CARRIED by a Voice Vote.**

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

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

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



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: RES-09:084

**Introduced:** 5/14/2009

**Current Status:** Recommended to  
Council

**Version:** 2

**Matter Type:** Resolution

### Title

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO APPROVE A CONTRACT WITH DD&F CONSULTING GROUP TO DEVELOP A COMPREHENSIVE CONTINUITY PLAN.

### Body

WHEREAS, DD&F will assist the City of Jonesboro with the development of a comprehensive business continuity plan designed to enable the organization to respond to and protect lives in emergency situations, minimize interruption of operations and continue critical functions during disruptions, and provide procedures for a prioritized recovery of operations in a disaster:

WHEREAS, The City of Jonesboro desires to retain the services of DD&F and:

WHEREAS, DD&F fees for the services will be billed hourly at their normal billing rates as described in Exhibit A of the contract.

WHEREAS, All out-of-pocket expenses for copies, express mail charges, travel, etc., will be billed separately and in addition to the professional fee.

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

SECTION 1: That the City of Jonesboro shall enter into a contract with DD&F to provide assistance with the development of a comprehensive business continuity plan. A copy of said contract is attached hereto and identified as Exhibit I.

SECTION 2: The fees for the services are described in Exhibit I under Exhibit A of the contract. The funds will be allocated from the General Fund to cover costs for these services.

Estimates for the services are as follows:

Business Continuity Plan	\$26,000 not to exceed \$30,000
Business Continuity Tabletop Testing	\$1,500
Onsite Testing	\$750 for one day of on-site training





521 South Rock Street  
Little Rock, AR 72202  
(501) 374-2600  
FAX (501) 374-3639

Consulting Group

www.ddfconsulting.com

May 7, 2009

Mayor Harold Perrin  
City of Jonesboro  
P.O. Box 1845  
Jonesboro, AR 72403

**RE: Engagement Letter for Business Continuity Plan**

Dear Mayor Perrin:

On behalf of DD&F Consulting Group, Inc. (“DD&F”), I am pleased to submit this engagement letter (the “Engagement Letter”) to provide business continuity consulting services (the “Services”) for the City of Jonesboro (the “Client”). This Engagement Letter, and the attached Exhibits, set forth the terms of our engagement (the “Engagement”).

**Section 1. Consulting Services**

DD&F will assist the City of Jonesboro with the development of a comprehensive business continuity plan designed to enable the organization to respond to and protect lives in emergency situations, minimize interruption of operations and continue critical functions during disruptions, and provide procedures for a prioritized recovery of operations in a disaster. A more detailed description of the services follows.

***Business Continuity Plan***

DD&F will provide the structure, training, resources, and assistance that will enable the development of a comprehensive business continuity plan. DD&F will guide the development process through planning phases that will result in a business continuity plan ready for approval, implementation, and testing. The responsibilities of DD&F and the Client are described in **Exhibit C** of this Engagement Letter. The services provided under each phase are detailed below:

Project Plan Development. DD&F will assist the Client in developing a project plan. Specifically, DD&F will:

- Work with management to designate a project contact for DD&F.
- Provide the project contact with a schedule and checklist of tasks for the development process.
- Assist the Client in designating BCP Committee/Crisis Management Team (CMT) members.

Phase 1: Information Gathering & Documentation. DD&F will gather information in order to assist the Client in performing the analyses necessary to provide a basis on which to develop the plan. Specifically, DD&F will:

- Submit a questionnaire and a document request for information required to begin development of the plan.
- Conduct a Business Impact Analysis. DD&F will assist the Client with identifying critical functions, assigning impact ratings of loss of functions, identifying dependencies such as providers, mission-critical systems, and vital records and data, and determining recovery priorities, maximum allowable downtimes, and recovery point objectives.

Phase 2: Assessment & Strategy Development. DD&F will conduct a risk assessment and assist the Client in developing strategies for disaster recovery. Specifically, DD&F will:

- Assist with identifying disaster recovery strategies, such as offsite storage locations, alternate locations, offsite recovery locations, backup communications and processing methods, and alternate key personnel.
- Perform a Disaster Risk Assessment and gap analysis with mitigation input provided by the Client. Risk factors will also be determined by assessment of threats related to the geographic location of the Client (ex. flood, earthquake, tornado, nuclear plants, etc.). The Disaster Risk Assessment identifies emergencies that have the potential to cause the greatest impact on operations while taking into consideration existing safeguards to reduce the risks associated with the emergency.
- Provide recommendations for further mitigation based on the results of the disaster risk assessment.

Phase 3: Plan Development. DD&F will work in conjunction with the Client to develop a plan for submission to management and the Board for approval. The plan will be developed based on information provided by the organization. Specifically, DD&F will:

- Develop a draft plan based on the needs of the Client that includes:
  - Emergency response plans, based on the results of the information-gathering phase and risk assessment
  - Command center operations and CMT organizational chart
  - Prioritized business & disaster recovery plan, based on strategies identified in Phase 2
  - Prioritized operational contingency and recovery plans, based on the results of the business impact analysis. These will be developed for each operational area within the scope of this engagement (includes six (6) operational areas, including Information Systems, Police, Fire, Finance, Public Works and 911).
  - Business resumption plan
- Provide a draft plan to the Client for review and revision.



- Incorporate changes made by the organization into the plan and provide the Client with a final plan for Board review and approval.
- Deliver final copies of the plan to the Client after Board approval.

Phase 4: Business Continuity Testing. Depending on the scope of the engagement, DD&F will meet onsite with management to:

- Provide a comprehensive review and tabletop walkthrough of the plan.
- Deliver a report detailing the results of the tabletop test, action items to be completed, and a checklist to be used by the Client to assist in completion of Appendix items.
- Provide a set of resources with which staff training can be conducted on the emergency plans and relevant components of the recovery plans. The resources will be delivered on CD, and will include a PowerPoint® training presentation, presenter resources, and participant materials. Optionally, DD&F will provide an on-site trainer to conduct the training presentation.

The scope of the project does not include the development of supporting documentation (located in the appendices of the plan) unless specifically indicated under **Exhibit C**, or participation in the physical/practical testing of the plan. These services are available as needed on an hourly basis.

## **Section 2. Fees and Expenses**

DD&F's fees for the services described herein will be billed hourly at our normal billing rates as described in **Exhibit A**. Estimates for the services are listed below, acceptance of which is indicated by your initials on the line to the right of the estimate. Estimates are based on contingency planning for six (6) operational areas, including Information Systems, Police, Fire, Finance, Public Works, and 911.

<u>Services</u>	<u>Estimated Fees</u>	<u>Acceptance</u>
Business Continuity Plan	\$26,000 not to exceed \$30,000	_____
Business Continuity Tabletop Testing	\$1,500	_____
Onsite Training	\$750 for one day of on- site training	_____

The fee estimates assume that the information required to perform the Services is made available on a timely basis and that the appropriate personnel are available during our time on-site. Additional work performed outside the scope of this Engagement Letter will be billed at our normal billing rates as described in **Exhibit A**. Out-of-pocket expenses for copies, express mail charges, travel, etc., will be billed separately and in addition to the professional fee.

The above services will be performed at a mutually agreeable time. The services will be billed monthly as fees are incurred.

**Section 3. Indemnification**

You hereby agree to indemnify, defend and hold harmless DD&F and its partners, affiliates, directors, officers, agents and employees in accordance with the terms and conditions set forth on **Exhibit B**, attached hereto and incorporated herein by reference.

**Section 4. Use of DD&F Work Product**

In its capacity as advisor and consultant to you, DD&F will, from time to time, provide various materials and information to you relating to the Engagement. You hereby warrant to DD&F that, without the express prior written consent of DD&F, you will not use any materials or information provided by DD&F in connection with this Engagement in any manner other than for completion of the Services and that you will not disclose the material in any fashion to any law firm (other than the Client's counsel), accounting firm (other than the Client's independent auditor), or consulting firm without DD&F's prior written permission.

**Section 5. Confidentiality**

DD&F acknowledges that all information and documents disclosed by the Client to DD&F, or which come to DD&F's attention during the course of its performance of the Services, constitute valuable assets of and are proprietary to the Client. DD&F also acknowledges that the Client has a responsibility to its constituency and employees to keep the Client's records and information confidential and proprietary. Therefore, DD&F agrees not to disclose, either directly or indirectly, to any person, firm, or corporation information of any kind, nature or description concerning matters affecting or relating to the business of the Client except as may be necessary to carry out the Services or unless the information is already in the public domain.

**Section 6. Nonsolicitation**

At all times during the term of this Engagement Letter and for a period of three (3) years thereafter, the Client agrees that it shall not, directly or indirectly, on its own behalf or on behalf of or in conjunction with others, encourage, solicit, seek to hire or hire any employee of or consultant to DD&F, or in any other manner attempt to persuade any such employee or consultant to discontinue his or her status with DD&F or to become employed in a business or activities likely to be competitive with the business of DD&F.

**Section 7. No Joint Venture**

DD&F and the Client are and shall be independent of one another, and nothing herein shall be deemed to cause this Engagement to create an agency, partnership, joint venture or the relationship of employer and employee between DD&F (including any of its employees) and the

Client. DD&F shall have no authority to bind the Client to any contractual arrangement with a third party as a result of this Engagement.

**Section 8. Termination and Survival**

This Engagement may be terminated upon written notice by either party to the other; provided, however, that notwithstanding such termination, DD&F will be entitled to such fees and expenses as are due under Section 2 of this Engagement Letter.

In the event of termination of this Engagement by either party, it is understood and agreed that the indemnification provisions contained in Section 3, above, and **Exhibit B**, attached, will survive indefinitely.

**Section 9. Legal Fees/Choice of Law**

In the event any action is brought to enforce or interpret the terms of this Engagement Letter, the prevailing party shall be entitled to recover its reasonable attorneys' fees and expenses incurred in connection with such action.

This Engagement Letter shall be governed by and construed in accordance with the laws of the State of Arkansas.

**Section 10. Entire Agreement**

This Engagement Letter constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings between the parties with respect to such matters.

Sincerely,

Approved:

DD&F CONSULTING GROUP, INC.

CITY OF JONESBORO



By: \_\_\_\_\_  
John Hargrave  
Principal

By: \_\_\_\_\_  
Harold Perrin  
Title: Mayor

Date: \_\_\_\_\_

Exhibits attached

**EXHIBIT A**

**DD&F CONSULTING GROUP, INC.**

**SCHEDULE OF STANDARD BILLING RATES**

**I. Hourly Billing Rates**

Principal	\$175 - \$400 per hour
Senior Consultant	135 - 190 per hour
Consultant	75 - 135 per hour
Analyst	50 - 75 per hour
Administrative	35 - 50 per hour

**II. Expenses**

All out-of-pocket expenses incurred by DD&F Consulting Group, Inc. on the project will be billed to the client.

## **EXHIBIT B**

### **DD&F CONSULTING GROUP, INC.**

#### **INDEMNIFICATION**

The Client hereby agrees to indemnify, defend, and hold harmless DD&F and its partners, affiliates, directors, officers, agents, and employees from and against any losses, claims, damages, or liabilities (or actions in respect thereof) related to or arising out of the services rendered by DD&F in connection with the consulting services, and the Client agrees to reimburse DD&F and any other party entitled to be indemnified under this paragraph for all expenses (including legal fees) as they are incurred by DD&F or any such other indemnified party in connection with investigating, preparing, or defending any such actions or claim, whether or not in connection with pending or threatened litigation in which DD&F is a party. The Client will not be responsible for any claims, liabilities, losses, damages, or expenses that result from DD&F's bad faith or gross negligence.

Promptly after receipt by DD&F of notice of any claim or the commencement of any action or proceeding with respect to which an indemnified party is entitled to indemnity hereunder, DD&F will notify the Client in writing of such claim or of the commencement of such action or proceeding, and the Client will assume the defense of such action or proceeding, and the Client will employ counsel satisfactory to DD&F and will pay the fees and expenses of such counsel. Notwithstanding the preceding sentence, DD&F will be entitled to employ counsel separate from counsel employed by the Client and separate from counsel from any other party in such action if DD&F reasonably determines that a conflict of interest exists, which makes representation by counsel chosen by the Client not advisable. In such event, the reasonable fees and disbursements of such separate counsel will be paid by the Client.

In the event DD&F appears as a witness in any action brought against the Client or any participant in the transaction covered hereby in which an indemnified party is not named as a defendant, the Client agrees to reimburse DD&F for all expenses, including attorney's fees, incurred by DD&F in connection with its appearing as a witness.

## **EXHIBIT C**

### **DD&F CONSULTING GROUP, INC.**

#### **DD&F AND CLIENT RESPONSIBILITIES**

The list below details responsibilities of DD&F and the Client concerning the development of the Client's written Business Continuity Plan.

##### **Responsibilities of DD&F Consulting Group, Inc.**

- Develop a project plan/ schedule
- Provide Client a list of duties for each crisis management area of responsibility to assist Client in designating practicable individuals for the BCP Committee/Crisis Management Team (CMT) and Response Team Leaders (RT Leaders)
- Complete a Command Center organizational chart indicating CMT members, RT Leaders, and their areas of responsibilities
- Conduct an onsite Business Impact Analysis (BIA), via interviews with department heads and IT staff and submit the report of results to Client for review and approval
- Conduct a disaster risk assessment, based on answers from questionnaire and analysis of risks in the area via web resources, along with a gap analysis and recommendations for disaster recovery plans
- Develop a Business Continuity Policy and submit the draft to Client for review and approval
- Develop Emergency Response Plans based on results of the disaster risk assessment and submit the draft to Client for review and approval
- Gather information from Client for documentation of disaster recovery plans and backup plans for IT, communications, locations, utilities, etc., as well as procedures for relocation and communication with critical parties. Document the plans and submit the draft Business & Disaster Recovery Plan to Client for review and approval.
- Develop Departmental Recovery & Contingency Plans, based on the results of the BIA and submit the draft to Client for review and approval
- Incorporate any revisions made by Client to components of the plan
- Distribute final copies of the plan to designated individuals (will include section tabs for convenience and will be distributed in 3-ring notebook binders)
- (Optional) Work with BCP Committee to develop implementation plan to ensure that BCP is fully implemented. This can be performed at an additional hourly-cost rate.

*DD&F Responsibilities do not include the following:*

- Development of a cost-benefit analysis on implementation of any disaster recovery or backup plans
- Contacting vendors for implementation of plans
- Completion of supporting documentation located in the Appendix of the plan, unless specifically indicated in the List of Appendix Items (see attached list). However, assistance with completion of Appendix items is available as needed on an hourly-cost basis. Descriptions or instructions are provided within the Appendix for most items.

**Responsibilities of Client**

- Assign a practicable individual of the organization to be the project contact for DD&F
- Designate practicable individuals of the organization as members for the BCP Committee/CMT and RT Leaders, based on a list of duties provided by DD&F for each crisis management area of responsibility
- Provide documents requested by DD&F to assist DD&F in gaining information on Client’s organization and IT operations within a reasonable time to meet scheduled target date on project schedule
- Designate individuals to participate in onsite interviews or interviews via telephone for information-gathering, such as for the development of the BIA, documentation of disaster recovery plans and backup plans, relation and crisis communication procedures, etc. Schedule times for the individuals to be available to participate in the interviews, according to project schedule.
- Complete a questionnaire to assist DD&F in conducting a risk assessment, gap analysis, and recommendations for disaster recovery plans, within a reasonable time to meet scheduled target date on project schedule
- Review, revise if necessary, and approve all individual components of the plan developed by DD&F. Respond to DD&F with any revisions and/or approval within a reasonable time to meet scheduled target dates for completion of individual components.

<b>List of Business Continuity Appendix Items</b>	
<b>Item</b>	<b>Item Description</b>
1	Calling Tree/ Response Team Contact List <i>*(DD&amp;F will assist with filling in individual names and areas of responsibilities. Client will need to complete phone numbers.)</i>
2	List of organization’s facilities/locations and contact information of locations
3	Facility Emergency Data, Utility Hotline, and Shut Off Locations
4	Employee Contact List/ Employee Emergency Contact Information
5	External Contacts (service providers, shareholders, etc.)
6	Organizational chart
7	Equipment and Supplies (blank chart provided) <i>*(DD&amp;F will assist with identifying needed resources during BIA)</i>
8	Shopping List (blank chart provided)
9	IT Environment Description <i>*(DD&amp;F will assist with summary)</i>
10	Hardware & Software Inventories
11	LAN/WAN Diagram
12	Inventory & Location of Duplicates/Backups/Redundancies (blank chart provided)
13	Data Backup Procedures
14	List of Recoverable Items & Location (blank chart provided)
15	List of Unrecoverable Items & Loss Risk (blank chart provided)
16	Offsite Storage Inventory List (blank chart provided)
17	Key and Access Code List (blank chart provided)

18	Contingency Processing Items List (used for organizations with core system or disaster recovery facility service providers)
19	Power down/Computer shut off procedures <i>*(Sample of procedures will be provided)</i>
20	Critical System Restoration Procedures
21	Operating/Manual Processing Procedures
22	Evacuation diagrams & Emergency Signs, Documents, or Forms
23	Maps of facilities or locations (incl. alternate or offsite recovery locations)
24	List of all insurance policies
25	Third party contracts/agreements related to disaster recovery or IT support/maintenance
26	Initial disaster report <i>*(Sample blank report will be provided)</i>
27	Disaster declaration letter/checklist
28	DR/BCP Testing program and results
29	Annual evaluation checklist <i>*(Sample checklist will be provided)</i>
30	Annual evaluation and reports to the Board on BCP
31	Disaster Risk Assessment results <i>*(DD&amp;F will provide)</i>
32	Business Impact Analysis <i>*(DD&amp;F will provide report of results)</i>





# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: ORD-09:034

**Introduced:** 5/28/2009

**Current Status:** First Reading

**Version:** 1

**Matter Type:** Ordinance

title

AN ORDINANCE TO VACATE AND ABANDON A PART OF LEROY STREET RIGHT OF WAY

body

CRAIGHEAD COUNTY, JONESBORO, ARKANSAS.

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

SECTION ONE: The City of Jonesboro, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to a part of Leroy Street Right of Way designated as follows:

DESCRIPTION

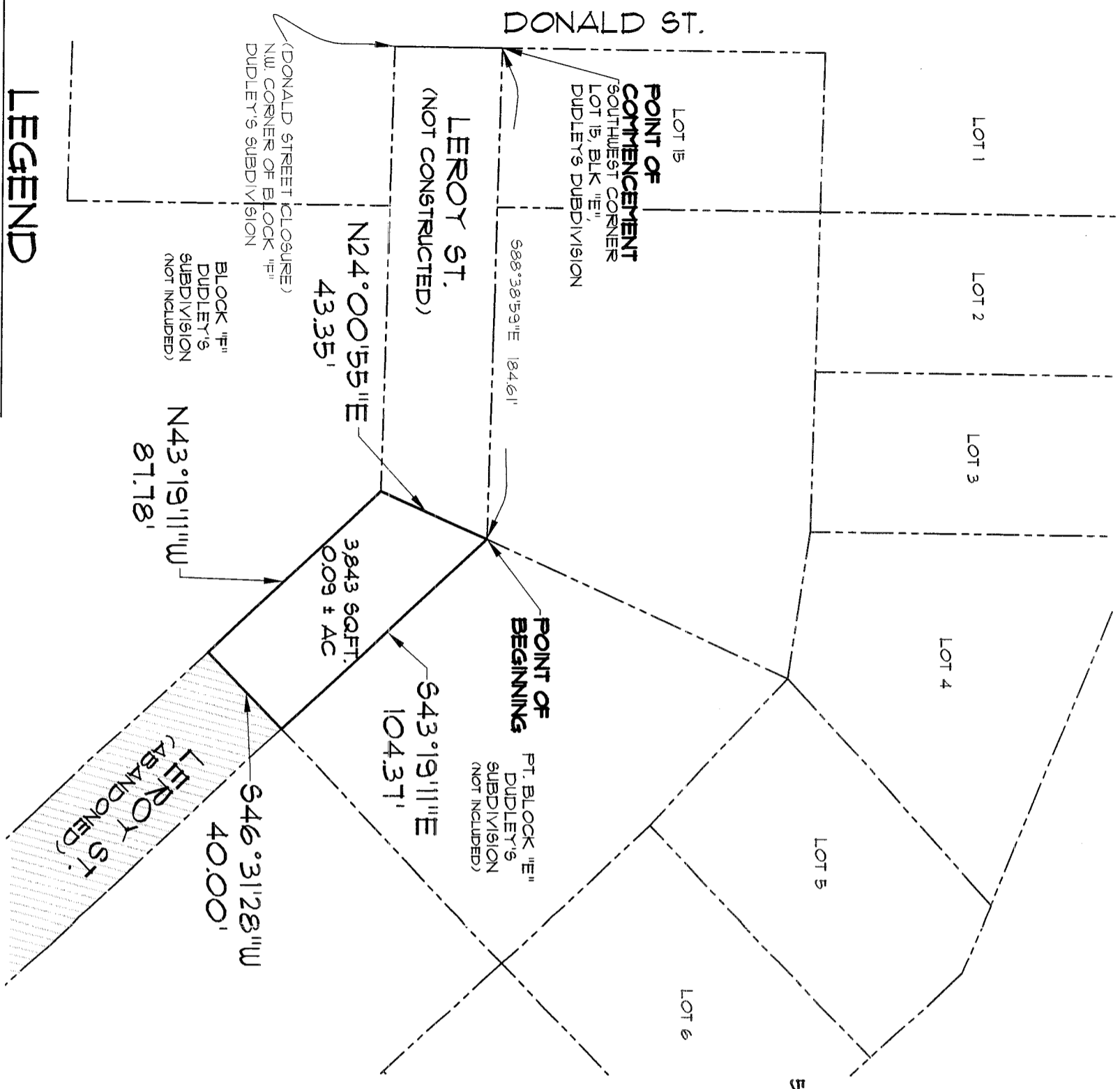
PART OF LEROY STREET LYING EAST OF DONALD STREET AND NORTH OF OLIVER STREET LYING IN DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEYSFIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 15, BLOCK "E" OF DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEYSFIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO: THENCE SOUTH 88°38'59" EAST ALONG THE NORTH RIGHT OF WAY LINE OF LEROY STREET, 184.61 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 43°19'11" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF LEROY STREET, 104.37 FEET: THENCE SOUTH 46°31'28" WEST DEPARTING THE SAID NORTHERLY RIGHT OF WAY LINE, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF LINE OF LEROY STREET: THENCE NORTH 43°19'11" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 87.78 FEET: THENCE NORTH 24°00'55" EAST DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, 43.35 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,843 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

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

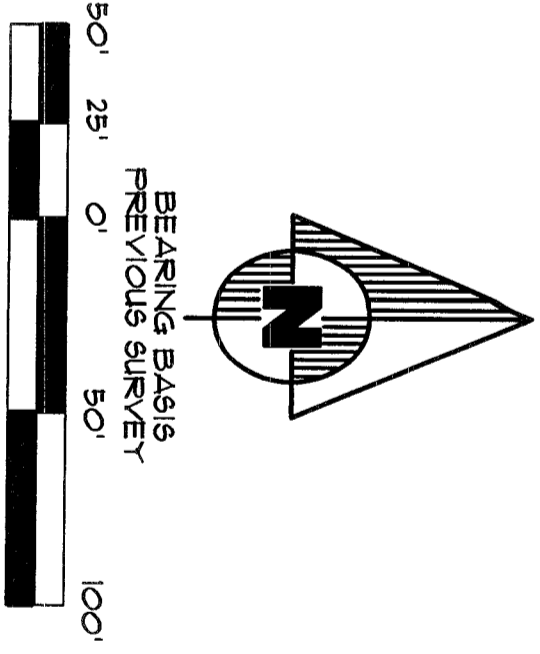
SECTION TWO: A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the recorder of Craighead County, Arkansas and shall be filed in the Deed Records of such office.



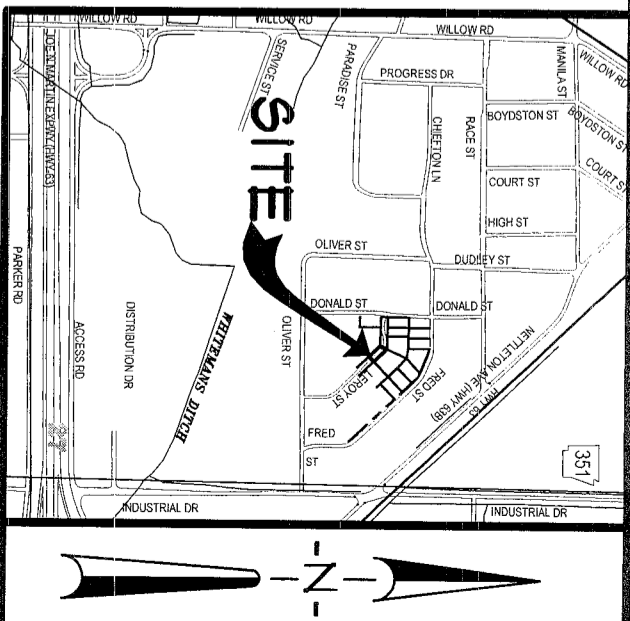
**LEGEND**

- BOUNDARY LINE
- - - LOT LINES
- S.I.P.  
= SET 1 1/4" IRON PIPE W/ PLS #1549 CAP

NOTE: THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY



**GRAPHIC SCALE**  
IN FEET



**VICINITY SKETCH**  
NOT TO SCALE

**DESCRIPTION**

PART OF LEROY STREET LYING EAST OF DONALD STREET AND NORTH OF OLIVER STREET LYING IN DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEY'S FIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO; THENCE SOUTH 88°38'59" EAST ALONG THE NORTH RIGHT OF WAY LINE OF LEROY STREET, 184.61 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 43°19'11" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF LEROY STREET, 104.37 FEET; THENCE SOUTH 46°31'28" WEST DEPARTING THE SAID NORTHERLY RIGHT OF WAY LINE, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF LINE OF LEROY STREET; THENCE NORTH 43°19'11" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 81.78 FEET; THENCE NORTH 24°00'55" EAST DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, 43.35 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3843 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

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

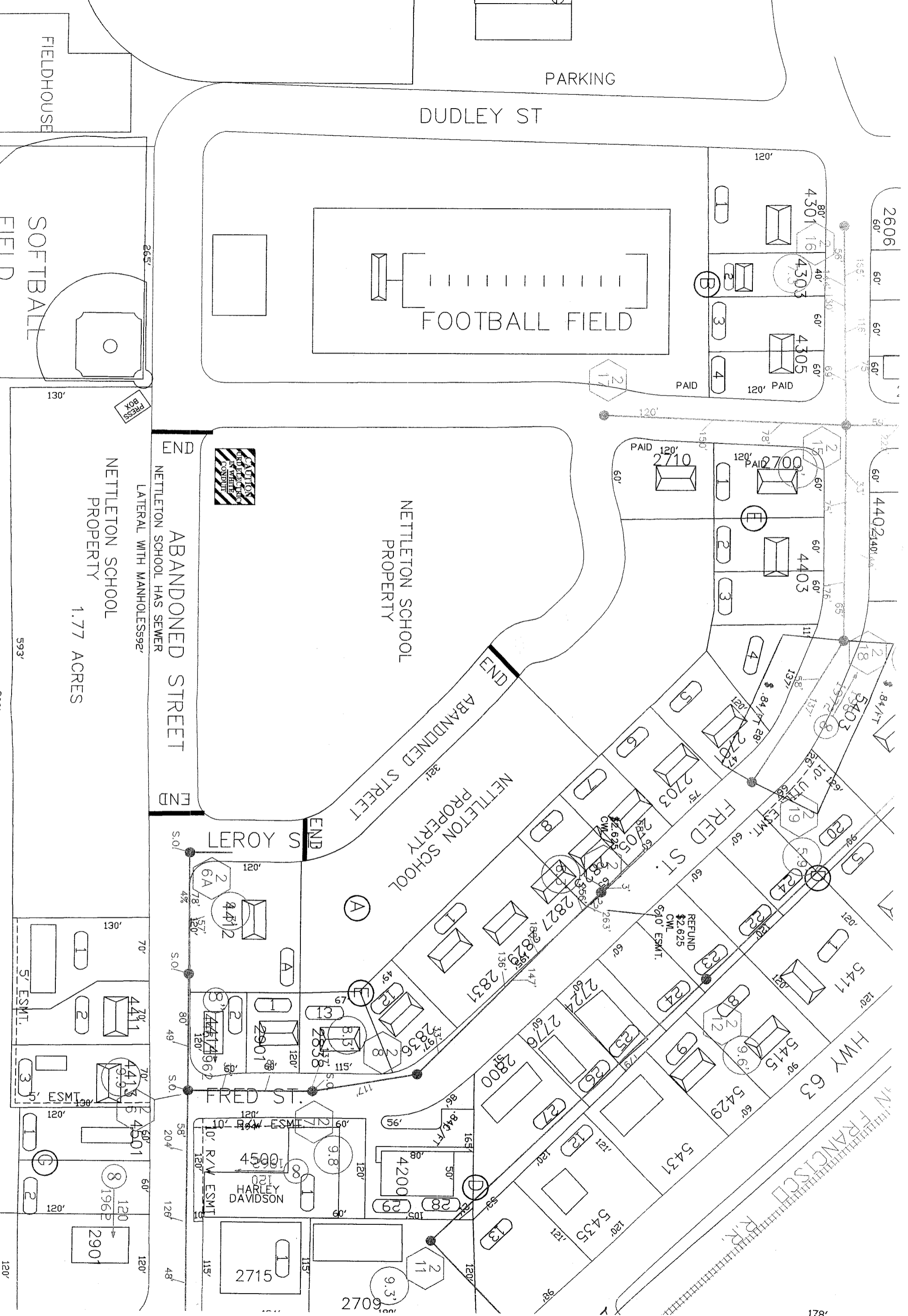
REV	DATE	REVISIONS

DRAWN	CHK'D

**ASSOCIATED ENGINEERING AND TESTING, LLC**  
 CIVIL ENGINEERING, LAND SURVEYING AND MATERIALS TESTING  
 103 SOUTH CHURCH STREET - P.O. BOX 1462 - JONESBORO, AR 72403  
 PH: 870-932-3594 FAX: 870-935-1263

**ABANDONMENT SKETCH**  
**NETTLETON PUBLIC SCHOOLS**  
**JONESBORO, ARKANSAS**

DRAWN: KUG      CHECKED: PUL      DATE: 02/06/09      SHEET 1 OF 1  
 SCALE: 1" = 50'      CADD FILE: 03143-52      DWG#: 0414272.0031



TO: Honorable Harold Perin, Mayor, and members of the City Council of the City of Jonesboro, Arkansas.

PETITION TO ABANDON A PART OF LEROY STREET RIGHT OF WAY

We the undersigned, being the owners of all property adjoining to the following described Leroy Street Right of Way located in the City of Jonesboro, Arkansas, described as follows:

DESCRIPTION -

PART OF LEROY STREET LYING EAST OF DONALD STREET AND NORTH OF OLIVER STREET LYING IN DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEY'S FIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 15, BLOCK "E" OF DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEY'S FIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO: THENCE SOUTH 88°38'59" EAST ALONG THE NORTH RIGHT OF WAY LINE OF LEROY STREET, 184.61 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 43°19'11" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF LEROY STREET, 104.37 FEET: THENCE SOUTH 46°31'28" WEST DEPARTING THE SAID NORTHERLY RIGHT OF WAY LINE, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF LINE OF LEROY STREET: THENCE NORTH 43°19'11" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 87.78 FEET: THENCE NORTH 24°00'55" EAST DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, 43.35 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,843 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

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

Herewith file and present this petition to the City council of the City of Jonesboro, Arkansas to have all of the utility easement described above legally closed.

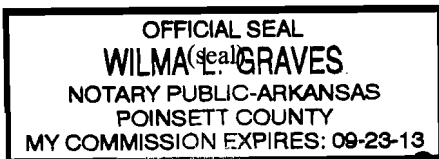
DATED this 29th day of April, 2009.

PROPERTY OWNER: Fred Flemon  
2701 Fred St.  
Jonesboro, AR 72401

DATE: 4/29/09

Fred Flemon  
Fred Flemon

Subscribed and sworn to before me this 29th day of April, 2009.



Wilma Graves  
NOTARY

Expiration date: 09-23-13

TO: Honorable Harold Perin, Mayor, and members of the City Council of the City of Jonesboro, Arkansas.

PETITION TO ABANDON A PART OF LEROY STREET RIGHT OF WAY

We the undersigned, being the owners of all property adjoining to the following described Leroy Street Right of Way located in the City of Jonesboro, Arkansas, described as follows:

DESCRIPTION -

PART OF LEROY STREET LYING EAST OF DONALD STREET AND NORTH OF OLIVER STREET LYING IN DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEY'S FIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 15, BLOCK "E" OF DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEY'S FIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO: THENCE SOUTH 88°38'59" EAST ALONG THE NORTH RIGHT OF WAY LINE OF LEROY STREET, 184.61 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 43°19'11" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF LEROY STREET, 104.37 FEET: THENCE SOUTH 46°31'28" WEST DEPARTING THE SAID NORTHERLY RIGHT OF WAY LINE, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF LINE OF LEROY STREET: THENCE NORTH 43°19'11" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 87.78 FEET: THENCE NORTH 24°00'55" EAST DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, 43.35 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 3,843 SQ. FT. OR 0.09 ACRES, MORE OR LESS.

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

Herewith file and present this petition to the City council of the City of Jonesboro, Arkansas to have all of the utility easement described above legally closed.

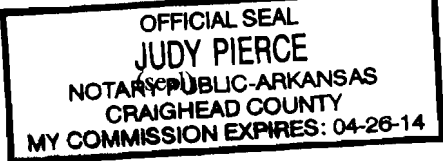
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

PROPERTY OWNER: Nettleton Public Schools  
3300 One Place  
Jonesboro, Ar 72404

DATE: 4-29-09

*James Dunivan*  
James Dunivan, Superintendent

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2009.



*Judy Pierce*  
NOTARY

Expiration date: 4-26-14



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

May 14, 2009

Associated Engineering  
Patrick Lemley  
103 S. Church St.  
Jonesboro, AR 72403

Re: Request for Right Way Vacation- Portion of Leroy St.

Dear Mr. Lemley:

The City of Jonesboro is in receipt of your request for right of way vacation of a portion of Leroy Street located north of Oliver Street, East of Donald Street, Dudley's Subdivision, 1<sup>st</sup> Addition, adjacent to Nettleton Public Schools, within the City of Jonesboro, as shown on the attached abandonment sketch.

Both the Planning and Engineering Departments have reviewed your request and concur with the granting of such right of way vacation due to the location of said property. The undersigned recommend approval by City Council.

If you require any additional information, please advise us at your convenience.

Sincerely,

Otis T. Spriggs, AICP  
Planning Director  
City Jonesboro, AR

Michael Morris, P.E., CFM  
Engineering Dept.

cc: Donna Jackson, City Clerk



CenterPoint Energy  
3013 Ole Feedhouse Rd.  
Jonesboro, AR 72404

April 22, 2009

Patrick Lemley  
Associated Engineering and Testing, LLC  
P.O. Box 1462  
Jonesboro, AR 72403

Re: Partial Abandonment  
Of Leroy Street Right of Way

Dear Mr. Lemley:

CenterPoint Energy has no objections to the abandonment of the portion of Leroy Street right of way as shown on the Abandonment Sketch Nettleton Public Schools Jonesboro, Arkansas. That we received April 8, 2009.

If you are ever in need of any other natural gas service or information please feel free to contact me. My number is 870-897-3751.

Thank you for including us in your current and future planning.

Sincerely,

A handwritten signature in black ink that reads "Garrett L. James". The signature is written in a cursive, flowing style.

Garrett L. James  
Construction and Maintenance Supervisor





To: Associated Engineering and Testing, LLC

From: Suddenlink Communications, Inc.

Date: April 14, 2009

Re: Partial Abandonment of Leroy Street Right of Way

Suddenlink Communications, Inc. has no objection to the partial abandonment and closing of Leroy Street, a dedicated street that was never constructed, located in Jonesboro, Craighead County, Arkansas.

Respectfully,

*David Hamilton*

Field Systems Supervisor  
Suddenlink Communications, Inc.



**Lynda Palmer**  
Manager-Engineering (ROW)  
Right-of-Way & Joint Use Poles

AT&T Arkansas  
1111 West Capitol Avenue  
Room 941  
Little Rock, AR 72201

T: 501.373.5255  
F: 501.373.0229  
lynda.palmer@att.com

April 17, 2009

Associated Engineering and Testing, LLC  
Attn: Patrick Lemley, PS  
P.O. Box 1462  
Jonesboro, AR 72403

Dear Mr. Lemley:

RE: street closing for Nettleton Schools - Jonesboro

Please find enclosed AT&T's concurrence in your request to abandon our interests in a portion of Leroy Street in Jonesboro, Arkansas.

This concurrence must be recorded at the Craighead County Courthouse in the office of the circuit clerk to be complete and legal. I would appreciate you returning a copy of the document to me at the above address for my files.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

A handwritten signature in black ink that reads "Lynda Palmer".

attachments



**CONCURRENCE TO VACATE  
A PORTION OF A DEDICATED STREET**

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone Company, d.b.a. AT&T Arkansas, hereby concurs in the vacation of a portion of a dedicated public street in Jonesboro, Arkansas, to-wit:

PART OF LEROY STREET LYING EAST OF DONALD STREET AND NORTH OF OLIVER STREET LYING IN DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEYSFIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 15, BLOCK "E" OF DUDLEY'S SUBDIVISION OF A PART OF BLOCKS "B", "C", "D", "E", "F" AND "G" OF DUDLEYSFIRST ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON AS SHOWN IN THE PUBLIC RECORDS IN JONESBORO: THENCE SOUTH 88°38'59" EAST ALONG THE NORTH RIGHT OF WAY LINE OF LEROY STREET, 184.61 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 43°19'11" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF LEROY STREET, 104.37 FEET: THENCE SOUTH 46°31'28" WEST DEPARTING THE SAID NORTHERLY RIGHT OF WAY LINE, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF LINE OF LEROY STREET: THENCE NORTH 43°19'11" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 87.78 FEET: THENCE NORTH 24°00'55" EAST DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, 43.35 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 3,843 SQ. FT. OR 0.09 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

Signed and executed this 20<sup>th</sup> day of April, 2009.

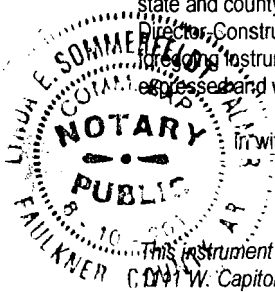
By: *F. Jean Davis*  
F. Jean Davis  
Director-Engineering/Construction

**CORPORATE ACKNOWLEDGMENT**

STATE OF ARKANSAS  
COUNTY OF PULASKI

On this the 20<sup>th</sup> day of April, 2009, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director, Construction/Engineering for Southwestern Bell Telephone Company, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official seal.



This instrument prepared by AT&T  
C. 111 W. Capitol, Room 941  
Little Rock, AR 72201 (501-373-5255)

*Linda E. Sommerfeldt Palmer*  
Linda E. Sommerfeldt Palmer  
Notary Public in & for Faulkner Co., AR  
My commission expires August 10, 2011



*Owned by the Citizens of Jonesboro*

April 15, 2009

City of Jonesboro  
P.O. Box 1845  
Jonesboro, AR 72403  
Attn: Donna Jackson, City Clerk

Re: Partial Abandonment – Leroy St.  
(Part of Leroy St – East of Donald St & North of Oliver St)  
Dudley's 1<sup>st</sup> Addition to the  
City of Jonesboro, formerly the Town of Nettleton

Dear Donna:

City Water and Light has no objection to the closing of the section of Leroy Street located east of Donald Street and north of Oliver St, Dudley's 1<sup>st</sup> Addition the City of Jonesboro, formerly the Town of Nettleton as shown highlighted on the attached sketch. Please call if more information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald L. Bowen', is written over a large, stylized, looping flourish.

Ronald L. Bowen  
Manager, City Water & Light

Enclosure

Cc: Patrick Lemley  
Associated Engineering



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: RES-09:091

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**Introduced:** 5/27/2009

**Current Status:** Recommended Under  
New Business

**Version:** 1

**Matter Type:** Resolution

body

WHEREAS, the adjoining property owners have filed a Petition with the City Clerk of the City of Jonesboro, Arkansas requesting that;

A 5' PORTION OF AN EXISTING 10' DRAINAGE & UTILITY EASEMENT. SAID PORTION BEING THE SOUTH 5' OF THE NORTH 10' OF LOT 58 OF TOWER PARK ESTATES, PHASE FIVE TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, LYING EAST OF AN EXISTING 10' DRAINAGE & UTILITY EASEMENT.

Be vacated and abandoned; and

WHEREAS, the Petition has been presented to the City Council of the City of Jonesboro, Arkansas; AND

WHEREAS, Arkansas Code Annotated 14-301-110 requires two weeks public notice before the above right of way can be vacated and abandoned;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jonesboro, Arkansas that the City Clerk is directed to publish a notice advising the public of the request by the adjoining property owners to vacate and abandon the undeveloped street mentioned above and this matter will be heard before the City Council on \_\_\_\_\_ at \_\_\_\_\_ o'clock, p.m., at the Huntington Building, located at 900 W. Monroe, Jonesboro, Arkansas.



---

**Date:** Friday, May 1, 2009 3:48 PM  
**From:** Loftis, Gerald <Gerald.Loftis@centerpointenergy.com>  
**To:** themurphys@suddenlink.net <themurphys@suddenlink.net>  
**Subject:** Abandonment of Easement Rights by Centerpoint

---

Ms. Murphy,

We have reviewed your request that we abandon our rights to the south 5' of the 10' of utility right-of-way adjoining the north side of Lot 58 in Tower Park Phase One subdivision in Jonesboro, Arkansas. We hereby state that we concur with your abandonment request. If you need a formal letter to this effect please advise. If you prefer, you may also send me a formal "Concurrence to Vacate" to the address shown below, and we will sign and return it to you. We are glad we could oblige your request.

Please respond to this e-mail to let us know you received it.

*Gerald Loftis, P.E.*

*Distribution Design Engineer*

*Centerpoint Energy*

*401 W. Capitol, Lyon Bldg. Ste. 600*

*Little Rock, AR 72201*

*Office: 501-377-4719*

*Cell: 501-258-4373*

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*Owned by the Citizens of Jonesboro*

April 29, 2009

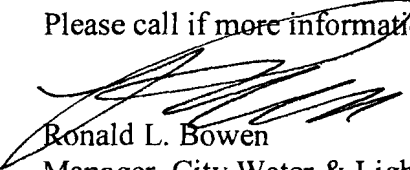
City of Jonesboro  
P.O. Box 1845  
Jonesboro, AR 72403  
Attn: Donna Jackson, City Clerk

Re: Partial Abandonment of Easement  
Lot 58, Tower Park Estates, Phase V  
Jonesboro, AR

Dear Donna:

City Water & Light has no objection with the abandonment of five (5) feet of a ten (10) foot easement as platted along the north side of Lot 58, Tower Park Estates, Phase V, Jonesboro, Craighead County, Arkansas as shown highlighted on the attached sketch.

Please call if more information is needed.

  
Ronald L. Bowen  
Manager, City Water & Light

Enclosure

Cc: Pete & Sarah Murphy



To: Pete and Sarah Murphy  
From: Suddenlink Communications, Inc.  
Date: April 15, 2009  
Re: 5' easement Abandonment

Suddenlink Communications, Inc. has no objection to a 5' easement abandonment at 2412 Pinnacle Pointe known as Phase 5, lot 58, in Tower Park Subdivision, located in Jonesboro, Craighead County, Arkansas.

Respectfully,

*David Hamilton*

Field Systems Supervisor  
Suddenlink Communications, Inc.





### CONCURRENCE TO VACATE A PORTION OF A DEDICATED UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone Company, d.b.a. AT&T Arkansas, hereby concurs in the vacation of a portion of a dedicated utility easement, to-wit:

The southernmost five feet (5') of a ten foot (10') dedicated utility easement that runs east and west along the northern property line of Lot 58 of the Tower Park Phase Five Subdivision to the City of Jonesboro, Craighead County, Arkansas.

Signed and executed this 16<sup>th</sup> day of April, 2009.

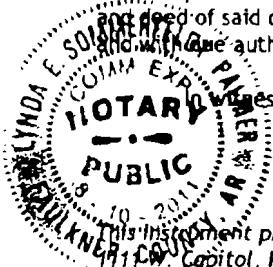
By: *F. Jean Davis*  
F. Jean Davis  
Director-Engineering/Construction

#### CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF PULASKI

On this the 16<sup>th</sup> day of April, 2009, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Construction/Engineering for Southwestern Bell Telephone Company, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

Witness whereof I hereunto set my hand and official seal.



This instrument prepared by AT&T  
1110 Capitol, Room 941  
Little Rock, AR 72201 (501-373-5255)

*Lynda E. Sommerfeldt Palmer*  
Lynda E. Sommerfeldt Palmer  
Notary Public in & for Faulkner Co., AR  
My commission expires August 10, 2011



**Lynda Palmer**  
Manager-Engineering (RCW;  
Right-of-Way & Joint Use Poles

AT&T Arkansas  
1111 West Capitol Avenue  
Room 941  
Little Rock, AR 72201

T. 501.373.5255  
F. 501.373.0223  
lynda.palmer@att.com

April 16, 2009

Pete Murphy  
Jonesboro, AR 72401

Dear Mr. Murphy:

RE: utility easement vacation – Lot 58, Tower Park Phase 5, Jonesboro

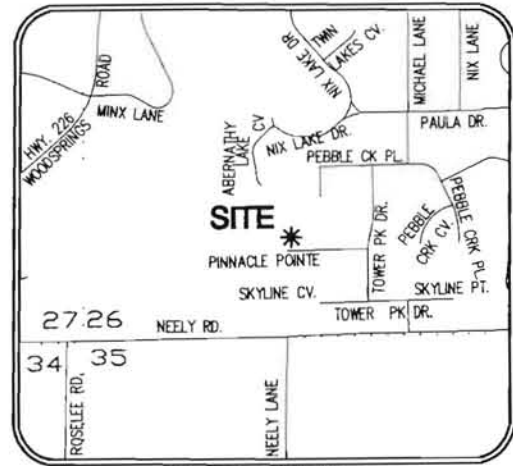
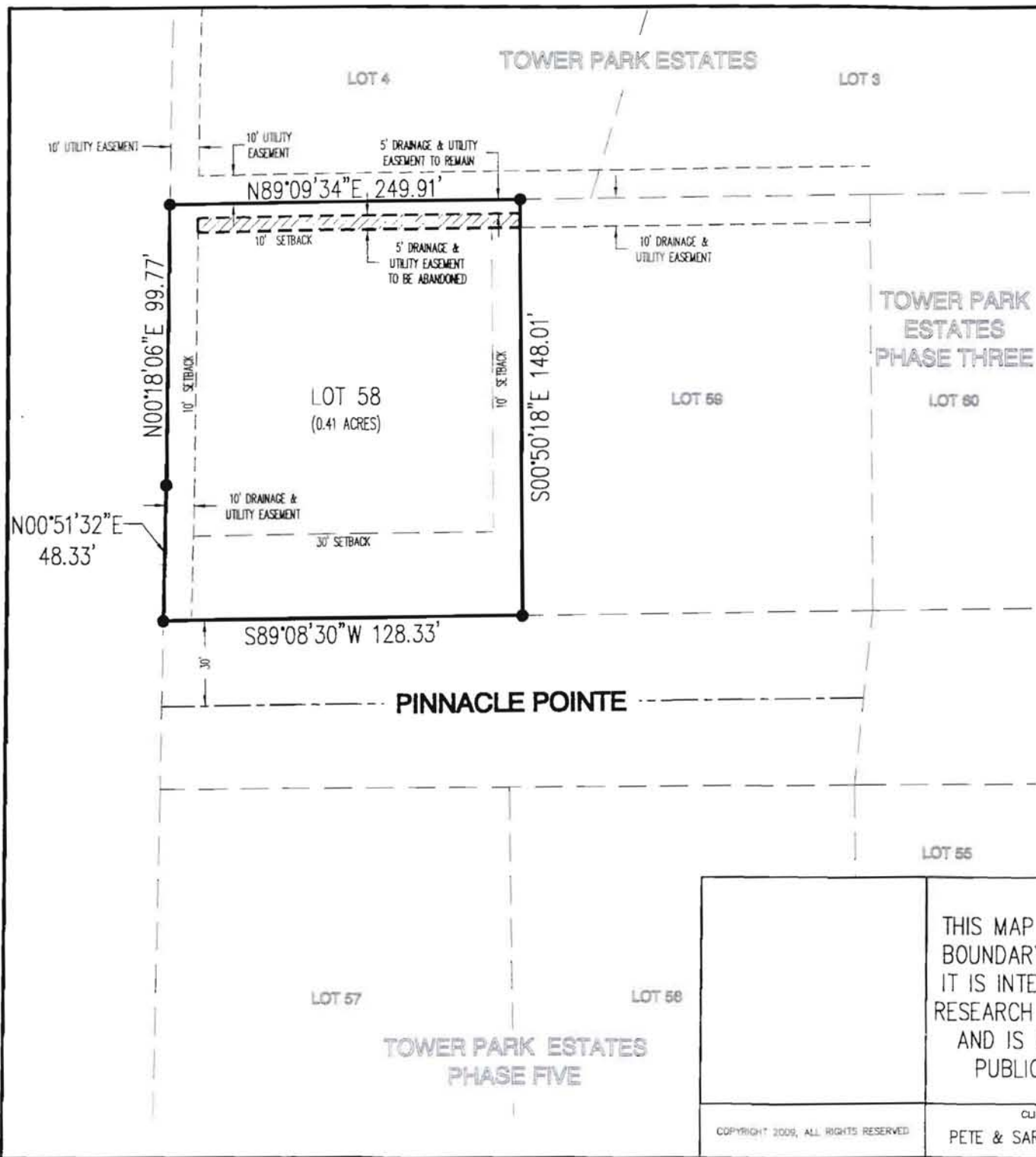
Please find enclosed AT&T's concurrence in your request to the above mentioned utility easement in Jonesboro, Arkansas.

This concurrence must be recorded at the Craighead County Courthouse in the office of the circuit clerk to be complete and legal. I would appreciate you returning a copy of the document to me at the above address for my files.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

attachments

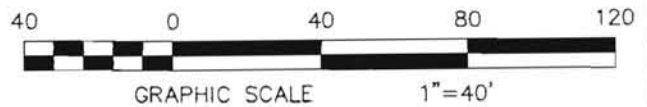


**VICINITY MAP**  
(NOT TO SCALE)

**EASEMENT ABANDONMENT**

THE SOUTH 5' OF THE NORTH 10' OF LOT 58 OF TOWER PARK ESTATES, PHASE FIVE TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, LYING EAST OF AN EXISTING 10' DRAINAGE & UTILITY EASEMENT.

*Sarah Murphy* 4-16-09



THIS MAP IS NOT A BOUNDARY SURVEY. IT IS INTENDED FOR RESEARCH USE ONLY AND IS NOT FOR PUBLICATION.	<b>EASEMENT ABANDONMENT</b>		REVISIONS <small>DATE BY DESCRIPTION</small>	
	LOT 58, TOWER PARK ESTATES, PHASE FIVE, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS		SURVEY INDEX CODE	
CLIENT <b>PETE &amp; SARAH MURPHY</b>	<b>HAYWOOD, KENWARD, BARE &amp; ASSOCIATES, INC.</b> CIVIL ENGINEERING - SURVEYING - PLANNING 1801 LATOURETTE DRIVE JONESBORO, ARKANSAS 72404 <small>TEL. 870-932-2019 FAX 870-932-1076</small>		PROJECT NO. M029-0001-28	
			<small>DRAWN BY</small> JJN	<small>CHECKED BY</small> JHB
			<small>SHEET</small> 1 OF 1	<small>SCALE</small> 1"=40'
<small>COPYRIGHT 2009, ALL RIGHTS RESERVED</small>			<small>DATE</small> 04/15/09	<small>DRAWING NO.</small> B-174

TO: Honorable Harold Perrin, Mayor, and Members of the City Council of the City of Jonesboro, Arkansas

**PETITION TO ABANDON A 5' PORTION OF AN EXISTING 10' DRAINAGE & UTILITY EASEMENT. SAID PORTION BEING THE SOUTH 5' OF THE NORTH 10' OF LOT 58 OF TOWER PARK ESTATES, PHASE FIVE TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, LYING EAST OF AN EXISTING 10' DRAINAGE & UTILITY EASEMENT.**

We / I the undersigned, being the owner/s of all property adjoining to the following described Easement located in the City of Jonesboro, Arkansas, described as follows:

LEGAL DESCRIPTION:

THE SOUTH 5' OF THE NORTH 10' OF LOT 58 OF TOWER PARK ESTATES, PHASE FIVE TO THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, LYING EAST OF AN EXISTING 10' DRAINAGE & UTILITY EASEMENT.

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have all of the above described Right of way legally abandoned.

DATED this 12 day of May 2009.

PROPERTY OWNER

ADDRESS

**PETE & SARAH MURPHY**

**2412 Pinnacle Pointe Jonesboro, AR 72404**

*Pete Murphy*  
*Sarah Murphy*

Subscribed and sworn to before me this 12 day of May, 2009

(SEAL)

*Joan M. Franke*  
NOTARY

Expiration date: 9/7/11



April 29, 2009

Mr. & Mrs. Pete & Sarah Murphy  
2412 Pinnacle Point  
Jonesboro, AR 72404

RE: Lot 58 Tower Park Subdivision Phase I  
Easement Abandonment

Dear Mr. & Mrs. Murphy:

The City of Jonesboro Engineering Department concurs with the abandonment of South five (5) feet of the existing ten (10) feet drainage easement along the North property line of Lot 58 of Tower Park Subdivision Phase I.

Sincerely,

Michael Morris, P.E.  
Civil Engineer



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: COM-09:068

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**Introduced:** 5/28/2009

**Current Status:** Recommended Under  
New Business

**Version:** 1

**Matter Type:** Other Communications

title

Request by Robert Sartin to set an appeal hearing regarding the decision by the Board of Zoning Adjustment concerning property located at 2918 Casey Springs Road.

DENNIS ZOLPER ATTORNEY P. A.

P. O. Box 17367  
Jonesboro, Ar. 72403  
870-761-4905  
Fax: 870-972-9220  
dennis@burrowhalsey.com



May 27, 2009

Ms Donna Jackson  
City Clerk  
City of Jonesboro  
515 W. Washington St.  
Jonesboro, Ar. 72401

Re: Appeal from a decision of the Board of Zoning Adjustment dated April 30, 2009 approving the non-conforming use of Sartin Services Complete Lawncare, Inc. subject to 22 stipulations.


Dear Ms. Jackson:

Mr. Charles Mooney Sr. and myself as attorneys for Sartin Services Complete Lawncare, Inc. are filing an appeal of the Board of Zoning Adjustment rendered on April 30, 2009 which approved the registration of the non-conforming use of Sartin Services Complete Lawncare, Inc one of the owners of the land.

The appeal is pursuant to section 2.20.06 of the Rules and Procedures of the Mayor/Council of the City of Jonesboro, Arkansas.

The basis of the appeal is the Board of Zoning Adjustment has no legal authority to condition the approval of an application to register a non-conforming use. In this matter the Board made a motion to approve the non-conforming use but subject to the following stipulations and then listed 22 stipulations. A copy of the motion and stipulations are attached and made a part of this requested appeal.

Sincerely,

By:   
Dennis Zolper, Attorney for Sartin  
ABA 74158



**BZA MINUTES**  
**TUESDAY, APRIL 30, 2009 – 5:30 p.m.**  
**HUNTINGTON BLDG. 307 VINE ST.**

**Present were:** Mr. Roberts, Mr. Wagner, Mr. Gilmore; Absent were Mr. Miles and Mr. Stem. **City Staff:** City Attorney, Phillip Crego, Otis Spriggs, Thomas White, Erick Woodruff

**Counsel for Appellant:** Mr. Dennis Zolper/ Charles Mooney Sr.  
**Council for Opposition:** Mr. Jim Lyons

**Minutes Approval:** Motion was made by Mr. Wagner, 2<sup>nd</sup> Roberts. Motion carried. Minutes approved.

**Mr. Gilmore:** I would like to speak to both parties, with your attorneys and not belabor the issue. If I gave both parties 10 minutes will that be helpful? Do you even want it?

**Mr. Mooney:** Introduced Attorney, Dennis Zolper, Jonesboro, and co- counsel. He is working with me in this regard. I understood there would be no additional proof taken. I do think it is important that some words be said to you, because a lot of stuff that has been said.

I can look at it from the standpoint of stating to you what the issues are, what I believe the facts are, and what the law is. The issue is- the land owned and used by Sartin's at 2918 Casey Springs Rd. is a legal non conforming use; it has been since the City took it into the city limits. He had a business operating there at that time and he continued in that use. The facts are this- Sartin owned the site prior to its annexation in 1989. Sartin was using the site for dumping of yard waste and composting continuously prior to and after the annexation; Sartin and his company has never ceased. The site is zoned R-1. The Zoning of that site was an automatic R-1, because everything that the City took in during the mass annexation was just zoned R-1. The current use is not permitted as an R-1. The site is approximately 7.4 acres. Sartin has not extended the use beyond the area encompassed by the 7.4 acres. The use was lawful prior to the annexation; it was out in the County. It was brought in and continued for 19 years. The current use is lawful under state law and regulations issued by the ADEQ.



**Mr. Mooney:** The City Planner told you that he did not know it was a nonconforming use at the time he cited Sartin, and Sartin ceased operation based upon the action of the City Zoning Officer. And he was closed not because he was doing something wrong about the operation of the business; he was closed on the premise that it was improperly zoned- it was R-1.

The law is clear as to what has happened in the situations like that. And I pointed out to you before, there are numerous businesses operating in the City of Jonesboro today that are in an R-1 area. An example I gave you before is the service station out on Highland across from Highland Forest Subdivision; that service station has been continually in operation in the R-1 area for many years, because it was out in the county. And, when it became under the code for the City of Jonesboro, it continued as a nonconforming use and will remain until it closes or changes- make it into a restaurant- they couldn't do that. If the wind blows it down they aren't going to be able build it back. It is a true nonconforming use, and truly it is the same situation for Mr. Sartin as it is that operation. To close him down, in my opinion, is selective enforcement of the law; which is unfair, not right and is incorrect.

The fact that there are people who object to his business is not the question. The question is was he operating that business; did he continue to operate as the business. He as applied for a nonconforming use operation so he that he can continue to operate, he has been closed by the City.

You can look at the laws and the statues of the State of Arkansas and the ordinances of the City of Jonesboro. Clearly he was closed down by the Zoning Office; not by the Board of Zoning Adjustments, not by the City Council. But by the City of Jonesboro, operating under the belief of that he was operating in an R-1 area, and he couldn't do that. And as I say, the Zoning Officer told you, he didn't know, he didn't understand that it was a nonconforming use situation.

Mr. Sartin then started trying to get his business started up; it was very difficult for him. He went to the Planning Commission, he went to City Council then finally ended up here where he is requesting that he be permitted to continue his operation.

Clearly under the statues and under the ordinances, the Zoning Officer has the right, and could have just simply lifted the thing and gone back in. However, he chose to give it to you and let you make the decision.

The law is clear under Chapter 14.12. *Where the land was used in a lawful manner prior to annexation, when after the annexation, its use is unlawful due to the regulation for that annexation district the land and use can continue as a legal non conforming use subject to certain occurrences. (You stop using it, change the character of it, you do other things..) The land can be maintained and repaired and these actions will not affect the legality of the nonconforming use.*

**Mr. Mooney:** *The land (that is the site) if it is not used for 6 months under the ordinance, it loses its nonconforming status. The site cannot be expanded or enlarged beyond what existed on the date of annexation; and alterations to the site are permitted if required by law.*

Based on the facts and applying the law as contained in the ordinance, Sartin is entitled to continue to use this site for waste dumping and composting. This is simply an application for registration of a nonconforming use which has been in operation since its annexation into the City of Jonesboro.

Now the people that are opposing this including the City Attorney, are saying, "*oh this is a dangerous thing*". Mr. Sartin is now and always has been controlled by the State of Arkansas; they come out and they inspect him just like they inspected the City of Jonesboro. Mr. Sartin is not running a dump there as they would like to indicate that he is. He is in the yard business. He's got a pretty good size operation. When we were here before, we had all his crew here. We went through a horrible situation in Jonesboro; he had no place to take his stuff. Everybody was completely and totally covered up with debris. And he had no place to put it, no place to go. He stayed in that situation all this time, trying to do the right thing about trying to get his business back into operation.

It would be like the Zoning Officer were to go out to Highland Drive, and say to the service station operation out there, this is an R-1 area, you can't operate there anymore. *Same thing.* So what does that guy do? He comes before you and registers as a nonconforming use. Because no where are you required to do that. If you are in operation, and they bring you into the City, City ordinances apply; then you automatically have the right to operate your business as a nonconforming use. And we simply file a petition to recognize that.

Now this man has been everywhere; He has been to the Planning Commission, City Council. At the City Council the issue of nonconforming use was raised. They were asked to permit him to do that. Their response was- and the City of Jonesboro, and the City Attorney's response was- this matter is only about zoning and it has to go the before the Board of Zoning Adjustments. Then we get down here and all they are hollering about is *this is not the right place. You don't have the right to do this; you don't have the jurisdiction for it.* I tell you, you do have the jurisdiction for it. He is entitled to operation his business. He should be put back in operation. He should have been put back in operation by the Zoning Officer. But he has left it to you. And I am trusting that you will put the man back into operation. If that doesn't happen, he either has to shut his business down or he has to take the matter up on appeal, to continue to litigate this situation. It's a huge financial burden for him and all the people who work for him. It doesn't affect the people who are objecting much other than the fact that they have been living next to a landfill for years. They don't like it, they don't want it; they don't want him there. They want you to close his business and I understand their problem; and I understand what they are saying; but, the right thing is not to put this man out of business, he is a nonconforming use. I think he has met all of the requirements and I

believe that you should register him as a nonconforming use. Thank you. (Time mark: 49:27)

**Mr. Lyons:** (Time mark: 49:50) I am not sure if you all want copies of all of these citations or violations. I told you I would have those available for you.

**Mr. Roberts:** Same ones we got?

**Mr. Lyons:** I gave you the synopsis, but I did not give you all the violations. We gave you some the other day, 6 or 7; actually there were 18 violations that occurred in an 11-year period.

**Mr. Mooney:** I was told that we would not be putting on any other evidence, that we would come and argue the case on the evidence that is before us. I understood we were not going to do that. We came for making statements.

**Mr. Gilmore:** I think we got a pretty good gist of those problems. Is that a further elaboration of those same things from the other day?

**Mr. Lyons:** Yes, essentially the same from the other day. It included the pictures from the email from today and the synopsis those were included in that email.

As I indicated last time when we were here, it is our position that this is the wrong place. Not that I don't think you are competent to hear this, you are and you will do a good job, and I know you would make the right decision. We simply are required to follow the law. And the law is under 14.20.03 (a)2, it provides what the law is when an L.U.O. is sought. It says that *an L.U.O. district may be applied in combination with any base zoning district. The designation may be requested by an applicant or proposed by the Planning Commission or City Council during their consideration of a rezoning request.*

If you look at the application it specifically provides- it says current use composting proposed use is an I-2 LUO for composting. So he is asking for an L.U.O. for composting. It is not my application, I didn't change it. (Time mark: 52:40)

That's what Mr. Sartin provided; and the City has adopted the code and the code says that this is to be considered during a rezoning request. And this is not the place for a rezoning request. So we are in the wrong place. But regardless, I understand he may have been told by the City Council- *go to MAPC or vice versa*. But, that was the issue he should have taken up with them, *hey we are in the right place, and here is why* and have them decide and I understand that they did. But regardless it's our position that we are in the wrong place.

But more importantly, even assuming that if ya'll decide that we are going to decide this case, in the letter that I wrote you the other day in regard to the law- the law is quite clear that Mr. Sartin has the burden of proof. And this is in the letter that's dated the 28<sup>th</sup> of April. It says the applicant has failed in his burden of proof. The burden of proof is

defined in Black's Law Dictionary as the duty of affirmatively proving a fact or facts in dispute or an issue raised between the parties in a cause. And it's not an issue, not a question about that, but its simply a statement of the existing law.

**Mr. Lyons:** Mr. Sartin is required to prove every element that is necessary under the existing code. Which means he must prove that the use has been going all this time; he must prove the extent of the use; because he is asking for the full 7.34 acres; he must prove that the use has been continuous and he must prove that he was composting out there. (*Time mark: 54:38*)

So let's think about the proof that he provided the other day. He said that this property was leased out to two different tenants during periods of time. So he wasn't out there using it. So first of all he hasn't met the burden there. Second, Mr. Mooney admitted that he wasn't using all 7.34 acres. If you looked at the pictures that I provided you during the hearing last week, you saw that he was using probably an area from where I am standing to the walls. This is what he was using. He was using a quarter of an acre, maybe half an acre. (*Time mark: 55:23*)

And you don't get to keep adding to that. You have to use... assuming that he was composting out there which I will get to in a minute; which he wasn't doing. But even assuming he was composting, he was only using probably a half an acre. So he now wants to expand that to 7.34 acres. And he simply has failed in his burden of proof.

Because the law is quite clear. Mr. Mooney admitted that. You cannot be expanded or enlarged beyond what existed. On the date of annexation, well in 2001 it was so small you could barely see it in the snap shots that we had. And so he has no proof what so ever that he was using the full 7.34 acres at that time. And that's what he's got to prove to you all. And that is simply not what occurred. And yes, I have some sympathy for Mr. Sartin, it's not that I don't. But, it doesn't matter what the sympathy is or where the sympathies lie; It simply is this is what the law says and we are required to follow the law. My clients are required to and Mr. Sartin should be required to also. And so it's quite clear and simply that he has not done that. He has not met his burden of proof. (*Time mark: 56:53*)

Let's talk about composting. They claim that he was composting. Yet, Mr. Sartin told you that he was burying this yard waste out there. And if you read the letter today, you'll see the law provides; the United States Environmental Protection Agency specifically says burying is not composting. There are four ways to do composting. You do windrow composting, you do aerated static pile composting, you have a vessel in which the composting is done you have aerating and moisture, or you do anaerobic processing and that's where the materials are placed in a mechanical system that includes a blend tank, a plug flow reactor, then use of an aerobic reactor and then the materials are turned into a humus. That's the end product for the composting process.

**Mr. Lyons:** You saw the pictures that I provided the other day, you saw the pictures that were attached to the reports. None of that was being done. We never had windrow, aerated static pile, in-vessel composting, or anaerobic processing. Mr. Sartin claims, oh the EPA says you can bury this stuff. Well all you have to do is look at the EPA site; which I provided you the law on that. And that simply is untrue. They do not provide for burial as a method of composting. (*Time mark: 58:35*)

**Mr. Lyons:** You remember that Mr. Spriggs went out there and he said, *I couldn't tell it was nonconforming use*. Because there wasn't anything there. Everything was buried. When he went out there, he had no idea it was a nonconforming use because he didn't know he was composting out there. And that was 4, 5 or 6 months ago whenever it was Mr. Spriggs went out there. And so it's simply a situation where Mr. Sartin wants to come in and say oh well you should feel sorry for me because this is going to hurt my business. Well he has been operating his business just fine, he has 60 or 70 employees who are working and this is a hard time of the year for them as far as the number of hours that they work. Well he is taking this stuff somewhere; it may cost him a little money to do that but he is doing that. But he is doing that. (*Time mark: 59:30*)

Finally, what does... if you talk about this what do the signs that he put up mean? Well if you looked at the EPA stuff that was included with my letter. You saw that you are not suppose to be producing methane gas. That methane gas specifically is something that is that is dangerous; it can move underground and is explosive.

Now if you all want to allow someone who has been burying composting materials but not composting them for 20 years, to continue to operate, then you all may decide that that's the right thing to do.

But this gentleman has made this an area an area that is dangerous. And he went and posted signs out there saying be careful don't come near this, don't come on this property because there is methane gas. (*Time mark: 01:00:42*)

But if you read the EPA's website, and the legal information that I provided you in that regard, you'll see that it specifically says it is an explosive gas which can move underground. It may or may not have move underground under these people's houses.

That's not a legal lawful use that's been going on for 20 years. He hasn't been composting out there for 20 years. He has been burying this in violation of the law. He's created a situation which by his own signs is a dangerous situation for the City of Jonesboro, for the residents of Jonesboro and more specifically for the inhabitants of the area nearby.

And it simply is a situation where the sympathy may be: *oh we don't want to make it hard on Mr. Sartin*. Well Mr. Sartin has made it hard on himself. He is the one that created this situation. Not you all, not me, not the City of Jonesboro. He chose to go out there and to bury this stuff for 20 years. He chose to operate that in an un-manned fashion as you saw from the reports the other day.

**Mr. Lyons:** He chose to continually violate the law 18 violations in 11 years. And so it's a situation that Mr. Sartin has created a situation for himself. And all he is trying to do now is come in and say, *oh it's going to ruin my business*. Well it hasn't ruined his business, he is still in operation; he is out there operating today. His people were in my neighborhood working this morning and they are still working. Probably went home now because of the rain but I guarantee you tomorrow if its dry, they will still be working tomorrow when its dry they will be working and next week they are still going to be working. So it is simply a situation where his plea that you to be sympathetic to me is something of his own doing and the fact it has cost him some money is not the proper decision maker in this instance. The safety of the citizens of Jonesboro and following the law is. And in this particular situation, Mr. Sartin has not followed the law because he has not proven all of the elements as-is required and this is not safe for the citizens of Jonesboro and it should be denied.

**Mr. Crego:** I have nothing further, but I am available to answer any questions of the Board.

**Mr. Gilmore:** Otis, won't you speak to about why we are here with this being before this Board; talk about Jim Lyon's first objection.

**Mr. Spriggs:** Mr. Lyons is correct. When the application was turned in, as you saw on it, it asked for the actual use and what the request is and they mistakenly wrote in to be zoned to Limited Use Overlay. And, I am assuming that was a "typo". Also with the request it was specified in the letter of attachment what they were specifically asking for and in this instance; they actually filled out the application for the approval of a nonconforming use and that is how we processed it. We actually had the case publicized as such, and that's what you were presented the materials for is to act on the approval of a nonconforming use; you are not entertaining a rezoning at this time.

**Mr. Gilmore:** Chair will entertain a motion to approve or deny Mr. Sartin's request.  
(Time mark: 01:04:54)

**Mr. Wagner** presented questions to Mr. Sartin. This has been a long process, 1982 and on. We have heard a lot of matter back and forth. This word compost and the use you had in 1982; I have a problem with that right now. You said you want to use the facility. Can you explain to me today, if you are going to use that facility how is it going to be used?

**Mr. Sartin:** Whatever ADEQ tell me to do.

**Mr. Wagner:** How do you want to use this facility? Are you going to continue to dump? Are we going to use it as a compost facility?

**Mr. Sartin:** As ADEQ tells me to do. That's the rules. Whatever they come in and tell me to do. That's what I've got to do. So basically it's going to be what their rules say for me to do, and that is composting at this point. And it's been changed.

**Mr. Wagner:** In 1982 where you composting?

**Mr. Sartin:** In 1982 they would let us bury it.

**Mr. Wagner:** In 1989, were you composting?

**Mr. Sartin:** I was still burying it. I have not had to put the actual composting machines on there until this year when they are pushing us to do the composting.

**Mr. Wagner:** When you filed for your permit...

**Mr. Sartin:** I filed for my permit since 1984.

**Mr. Wagner:** When were required to file this operating plan- what you were going to do with the property, and why was that required?

**Mr. Sartin:** By ADEQ.

**Mr. Wagner:** When?

**Mr. Sartin:** Started end of 1983 to 1994 it took us a while to get the license.

**Mr. Wagner:** Have you read the operating plan lately, do you know what it says, or what you said you would do or how you would use that property? Have you done any of that?

**Mr. Sartin:** I'm making strives towards what I've got to do.

**Mr. Wagner:** Can you give me some examples, because I haven't walked on that property; I've read the operating plan.

**Mr. Sartin:** I haven't done anything since October because I have been shut down. But yes I am making strives to meet the ADEQ requirements. It's no difference than in the City. The city has to follow... The mayor said it the other night best... that ADEQ supersedes the City of Jonesboro period. It don't matter what Jonesboro says ADEQ supersedes us. Now I fall under the same rules as the City of Jonesboro no difference. To me what we are here talking about tonight is- Was I in operation not what I was doing. And I think it says in the laws; Otis said that if we are regulated to make changes, then we are allowed to make those changes; am I not correct on that? What I am doing today could change in 6 months, if ADEQ says to change. That part, I can't tell you what they are going to say. Just as we can't decide on what they are going to do on storm water management for Jonesboro. No use for me going through this long process of composting when I can't tell you. I am just being honest, because it has changed every year with them.

**Mr. Roberts:** In your application it says Williams and Sartin Composting Site, is he a co-owner or is he a just co-owner of the operation that takes place on the property?

**Mr. Sartin:** He is a co-owner.

**Mr. Roberts:** Of the property or the business?

**Mr. Sartin:** As part of the property.

(Time mark: 01:10:11)

**Mr. Roberts** made a motion to approve the Non-conforming use but subject to the following stipulations:

1. Acquiring of a state license/permit to compost does not exempt the use of the property from the Zoning Approval. *For example in my opinion, if you want to fully operate a composting facility you cannot do it there because it is not properly zoned for that.*
2. By description, this is not a Composting Facility. It is a Green Waste Storage Site.
3. The site shall be accessed only by Sartin's Landscaping Company or Williams Tree Service (co-owner), (Public Use shall be prohibited, *no public bringing in waste there*). Any other business transactions shall be prohibited. No more renting or leasing there. Inspections by public agencies shall be exempted. *Any time the government agencies can come in and make sure that you are adhering to these rules.*
4. There shall be no permanent nor temporary structures erected on the premises.
5. Any chipper equipment and other equipment necessary to move material shall be located on the premises only temporarily. The equipment shall be stored, repair and maintained at 3703 S. Culberhouse, which is where the main lawn care business is located.
6. The entire 7.34 acre tract shall be fenced completely around the perimeter with a locked gate maintained with a pad lock. No unloading or material handling shall be disposed of beyond this fenced perimeter. Only authorized personnel from Sartin's Landscaping, William's Tree Service or Public Agencies shall be allowed to access the property.
7. An all weathered road (*compacted SB-2/chat*) shall be maintained at all times suitable to uphold fire-fighting equipment. A drive serving said green waste site shall satisfy minimum paved apron standard with the first 100 ft. to be paved in accordance with City Engineers standards to prevent illegal debris, soil, mud or dust from entering street right of ways.



8. All impoundment pond(s) shall meet the ADEQ standards and surface runoff regulations of any and all local and state agencies.
9. This site shall be used specifically for green waste only. Yard waste shall be permitted to be processed on this site. Such waste only includes: grass clippings, leaves, shrubbery trimmings, and any organic plant waste from the landscape or nursery operation. All non-compostable fill or materials shall be prohibited from this site and shall be disposed at some other regulated location.
10. Windrow's which are required by the ADEA shall be piled and limited to an area not exceeding 12' wide by 5' tall.
11. The windrows shall be covered with dirt (this doesn't mean to dig a hole and bury them) on a monthly basis and turned periodically in accordance with ADEQ standards.
12. Once end-product is complete it shall be removed from the site and delivered to an approved location for retailing or marketing to the public.
13. Dust, litter, and odor controls shall be maintained to prevent any public nuisance. If a public nuisance should develop and be determined by the Board of Zoning Adjustments, the use of the premises shall be terminated as a non-conforming use within an R-1 Zoning District.
14. Burning of any material shall be prohibited.
15. All areas not being used for the processing operation shall be fertilized, seeded, and mulched to obtain a vegetation cover to prevent further erosion.
16. Hours of operations shall be limited to 7:00 AM to 5:00 PM Monday through Saturday only.
17. A revised and final layout plan shall be presented to the Board for final approval delineating the above requirements, location of all the windrows/process locations, impoundment ponds, access drives meeting minimum standards, fencing, etc.
18. Final approval shall be issued by City Planning, Fire Inspections and Engineering upon review of the final plans.
19. The use of this property shall never be expanded in size nor use. Operation as a full public/commercial composting facility shall require the proper Zoning District.

20. Line of yard waste processing shall be limited to a set back from the East, West and South boundaries at 50 ft. minimum and with no allowance for expansion.
21. The Green waste processing shall remain in permit compliance with ADEQ Solid Waste Division and any regulating agency that is applicable.
22. Any signage shall be limited to directional signage and one ground monument sign in compliance with signage code set back and size restrictions.

**Board Action:**

Motion made, seconded by Mr. Wagner. Roll call vote: Mr. Roberts, Aye; Mr. Wagner- Aye; Mr. Gilmore- Aye.

**Mr. Roberts:** Having heard these terms, do you think you can agree to these terms?  
**Mr. Mooney:** We certainly understand what you say. We have a court reporter here who is taking that information down, and I understand that you have passed it with those stipulations; we are going to do everything we can to try to accommodate what your desires are; we have to study those things and we will do that.

**Meeting was adjourned.**

*(Time mark: 01:17:08)*



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: ORD-09:024

**Introduced:** 4/23/2009

**Current Status:** Second Reading

**Version:** 1

**Matter Type:** Ordinance

title

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 91 AND LACY DR., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

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:

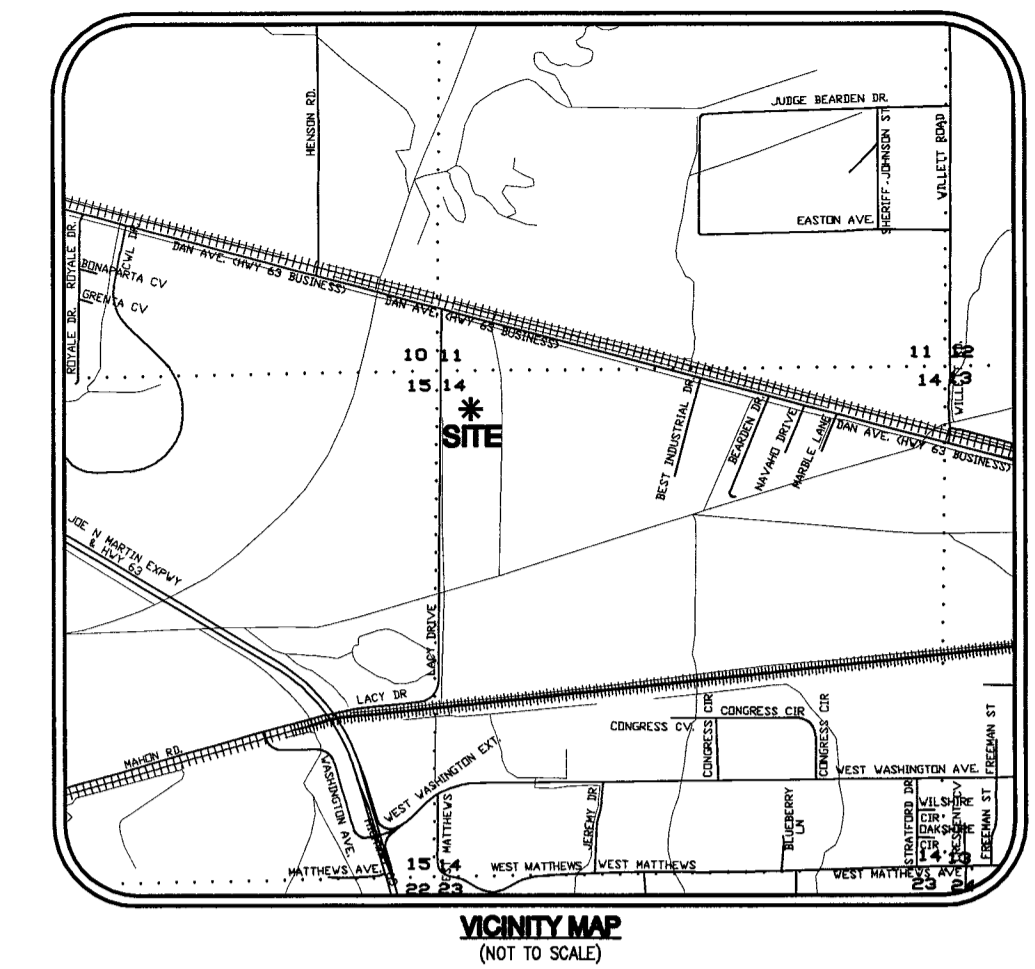
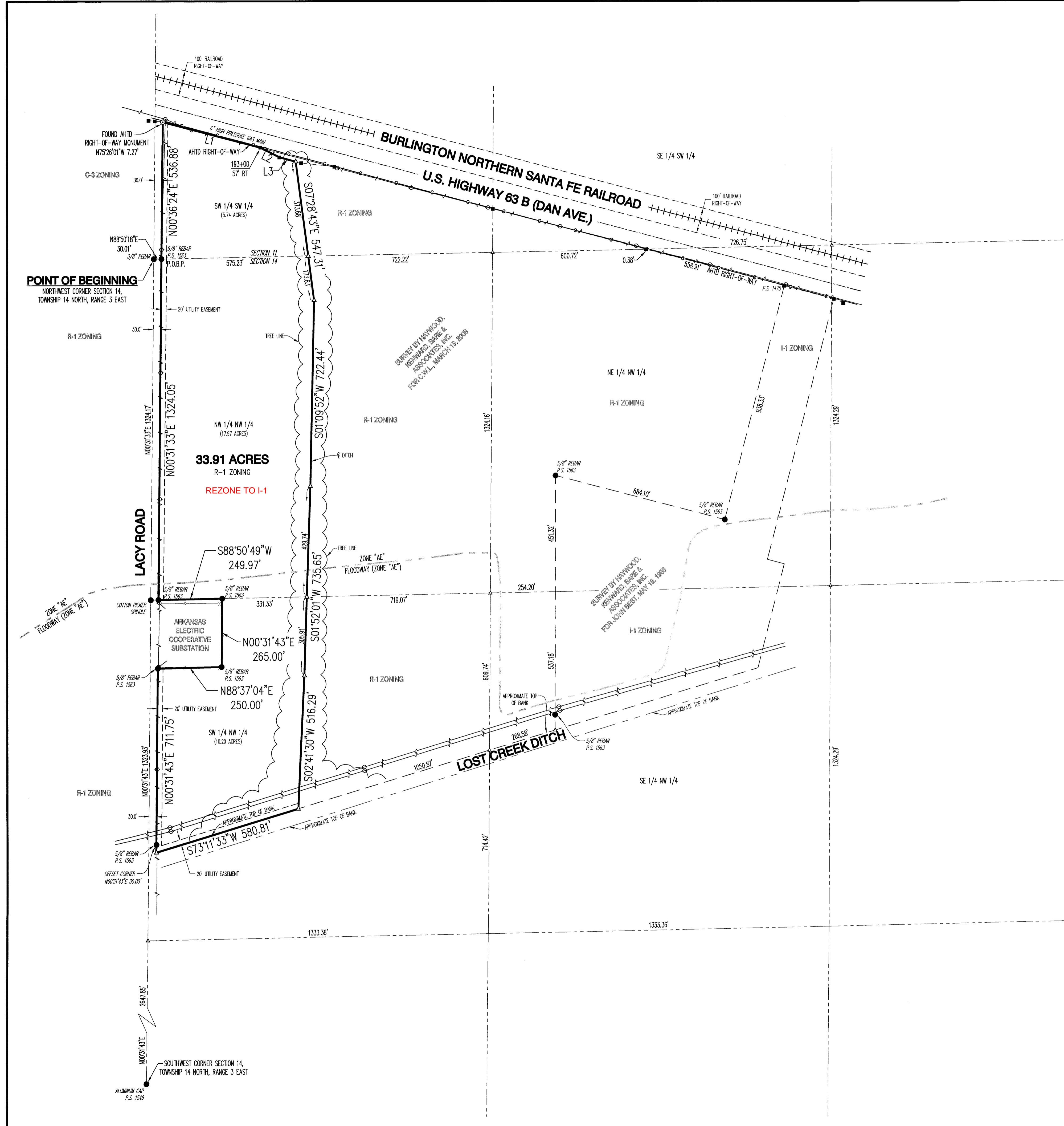
FROM (R-1) SINGLE FAMILY MEDIUM DENSITY DISTRICT TO I-1 LIMITED INDUSTRIAL ZONING DISTRICT ON THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 3 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 88 050'18" EAST, ALONG THE NORTH LINE OF SAID SECTION 14, 30.01 FEET TO THE POINT OF BEGINNING PROPER, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF LACY DR.; THENCE NORTH 00 036'24" EAST, ALONG SAID RIGHT-OF-WAY LINE, 536.88 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF UNITED STATES HIGHWAY NUMBER 63B; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 75 026'01" EAST, 394.51 FEET; SOUTH 62 047'15" EAST, 84.05 FEET; SOUTH 75 008'45" EAST, 66.43 FEET TO THE CENTERLINE OF AN EXISTING DITCH; THENCE WITH THE MEANDERINGS OF SAID CENTERLINE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 07028'43" EAST, 547.31 FEET; SOUTH 01 009'52" WEST, 722.44 FEET; SOUTH 01052'01" WEST, 735.65 FEET; SOUTH 02041'30" WEST, 516.29 FEET; THENCE SOUTH 73011'33" WEST, 580.81 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF LACY DR.; THENCE NORTH 00 031'43" EAST, ALONG SAID RIGHT-OF-WAY LINE, 711.75 FEET; THENCE NORTH 88 037'04" EAST, LEAVING SAID RIGHT-OF-WAY LINE, 250.00 FEET; THENCE NORTH 00 031'43" EAST, 265.00 FEET; THENCE SOUTH 88 050'49" WEST, 249.97 FEET, TO THE EASTERLY RIGHT-OF-WAY OF LACY DR.; THENCE NORTH 00 031'33" EAST, ALONG SAID RIGHT-OF-WAY LINE, 1324.05 FEET TO THE POINT OF BEGINNING PROPER,

CONTAINING 33.91 ACRES, MORE OR LESS.

SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



PLAT OF SURVEY BY MICHAEL A. DANIELS, P.S. 1963, FILED IN HGB FILE 21-36, DATED MARCH 18, 2009.

**CERTIFICATE OF SURVEY:**

THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE AND ASSOCIATES INC., PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED THE FOLLOWING PARCEL OF LAND. A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 3 EAST, TOGETHER WITH A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 3 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 3 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE NORTH 88°50'18" EAST, ALONG THE NORTH LINE OF SAID SECTION 14, 30.01 FEET TO THE POINT OF BEGINNING PROPER, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF LACY ROAD; THENCE NORTH 00°36'24" EAST, ALONG SAID RIGHT-OF-WAY LINE, 536.88 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF UNITED STATES HIGHWAY NUMBER 63B; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 75°26'01" EAST, 394.51 FEET; SOUTH 62°47'15" EAST, 84.05 FEET; SOUTH 75°08'45" EAST, 66.43 FEET TO THE CENTERLINE OF AN EXISTING DITCH; THENCE WITH THE MEANDERINGS OF SAID CENTERLINE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 07°28'43" EAST, 547.31 FEET; SOUTH 01°09'52" WEST, 722.44 FEET; SOUTH 01°52'01" WEST, 735.65 FEET; SOUTH 02°41'30" WEST, 516.29 FEET; THENCE SOUTH 73°11'33" WEST, 580.81 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF LACY ROAD; THENCE NORTH 00°31'43" EAST, ALONG SAID RIGHT-OF-WAY LINE, 711.75 FEET; THENCE NORTH 88°37'04" EAST, LEAVING SAID RIGHT-OF-WAY LINE, 250.00 FEET; THENCE NORTH 00°31'43" EAST, 265.00 FEET; THENCE SOUTH 88°50'49" WEST, 249.97 FEET, TO THE EASTERLY RIGHT-OF-WAY OF LACY ROAD; THENCE NORTH 00°31'33" EAST, ALONG SAID RIGHT-OF-WAY LINE, 1324.05 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 33.91 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

**SURVEYOR'S NOTES:**

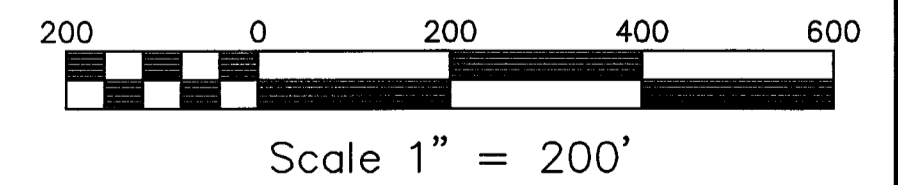
1. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
2. THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS SURVEY:
  - RIGHT OF WAY PLANS, ARKANSAS STATE HIGHWAY COMMISSION, JOB 10046.
  - CERTIFICATE OF LAND CORNER RESTORATION BY PATRICK W. LEMLEY, P.S. 1549, RECORDED IN BOOK I, PAGE 171, DATED MARCH 30, 2007.
  - QUILTAM DEED, FRANCES WOOD SALMONS TO FRANCES SALMONS REVOCABLE TRUST, RECORDED IN BOOK 610, PAGE 228-230, DATED JULY 27, 2001.
  - WARRANTY DEED, A.L. SALMONS JR. AND RUTH ORENE SALMONS, TO ARKANSAS ELECTRIC COOPERATIVE CORPORATION, RECORDED IN BOOK 163, PAGE 28, DATED JULY 30, 1965.
  - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK H, PAGE 32, DATED SEPTEMBER 26, 1985.
  - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, FILED IN HGB FILE 57-111, DATED MAY 18, 1998.
  - PLAT OF SURVEY, BY MICHAEL A. DANIELS, P.S. 1563, FILED IN HGB FILE 21-36, DATED MARCH 18, 2009.
3. A PORTION OF THE SUBJECT PROPERTY LIES IN THE 100-YEAR SPECIAL FLOOD HAZARD ZONE "AE" AND THE FLOODWAY (ZONE "AE" B.F.E. DETERMINED) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL NO. 05031C0043C, EFFECTIVE DATE SEPTEMBER 27, 1991.
4. SUBJECT PROPERTY IS ZONED R-1, IN SINGLE-FAMILY MEDIUM DENSITY DISTRICT.
5. BUILDING SETBACKS FOR R-1 ZONING:
  - STREET SETBACK-25'
  - INTERIOR SIDE SETBACK-7.5'
  - REAR SETBACK-25'
6. FIELD NOTES ARE RECORDED IN HGB FIELD BOOK 1094, PAGES 20-25 AND 46-47.
7. FIELD WORK WAS COMPLETED ON APRIL 10, 2009.

**LEGEND:**

- FOUND MONUMENT (AS NOTED)
- FOUND AHTD ALUMINUM ROW MONUMENT
- SET 5/8" REBAR W/ RED PLASTIC CAP STAMPED "BRANCH PS 1596"
- △ COMPUTED POINT (NOT MOUNTMENT)
- UTILITY POLE
- OVERHEAD ELECTRIC LINE
- GAS LINE
- BARB WIRE FENCE LINE

**LINE TABLE:**

NUMBER	DIRECTION	DISTANCE
L1	S75°26'01"E	394.51
L2	S62°47'15"E	84.05
L3	S75°08'45"E	66.43



**CERTIFICATE OF AUTHORIZATION**  
 HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.  
 No. 234  
 ARKANSAS

**REGISTERED PROFESSIONAL SURVEYOR**  
 STATE OF ARKANSAS  
 P.S. 4596  
 SIGNATURE  
 JASON H. BRANCH  
 4-20-09

CLIENT:  
 CWL

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**PLAT OF SURVEY**

PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 3 EAST, TOGETHER WITH A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 3 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS

**HAYWOOD, KENWARD, BARE & ASSOCIATES, INC.**  
 CIVIL ENGINEERING - SURVEYING - PLANNING  
 1801 LATOURETTE DRIVE  
 JONESBORO, ARKANSAS 72404  
 TEL 870-932-2019 FAX 870-932-1076

REVISIONS	
DATE	DESCRIPTION
04/20/09	JUN REVISION FLOOD ZONE INFORMATION

SURVEY INDEX CODE	500-14N-03E-0-11-330-16-1596
PROJECT NO.	C051-0002-01
DRAWN BY	JUN
CHECKED BY	JHB
SHEET	1 OF 1
SCALE	1"=200'
DATE	04/15/09
DRAWING NO.	21-37



METROPOLITAN AREA  
PLANNING COMMISSION  
Jonesboro, Arkansas

# Application for a Zoning Ordinance Map Amendment

Date Received:

4/23/09

Case Number:

## LOCATION:

Site Address: Southwest Corner of Lacy Road & US HWY 63B- DAN AVE.

Side of Street: between Best Industrial Dr. and Henson Rd.  
Southside of Dan

Quarter: Part of SE Section: 14 Township: 14 Range: 3

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: R1-Single Family Res. Proposed Zoning: I-1 Limited Industrial

Size of site (square feet and acres): 33.91 Street frontage (feet): 530 ft. on HWY 63B/2572.68 ft. on Lacy Rd.

Existing Use of the Site: Vacant Farm Land

Character and adequacy of adjoining streets: Good

Does public water serve the site? NO

If not, how would water service be provided? Will be provided upon Construction

Does public sanitary sewer serve the site? NO

If not, how would sewer service be provided? Will be provided upon Construction

Use of adjoining properties:

North R-1 Vacant

South R-1 Vacant

East R-1 Vacant

West R-1/C-3 Vacant

Physical characteristics of the site: FLAT/FLOODPLAIN

Characteristics of the neighborhood: INDUSTRIAL

**REZONING INFORMATION:**

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

- (1). How was the property zoned when the current owner purchased it? R-1
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? To allow for City Public Works Facility
- (3). If rezoned, how would the property be developed and used? City Public Works Facility
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? City Public Works Facility
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? Yes
- (6). How would the proposed rezoning be the public interest and benefit the community? Governmental Service
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? Area is suitable for light industrial uses.
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? Area is suitable for light industrial uses.
- (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. No negative impact
- (10). How long has the property remained vacant? For years, prior farming use.
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? Will improve drainage, and extend utilities.
- (12). If the rezoning is approved, when would development or redevelopment begin? Immediately
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application. No abutting residential homes.*
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

**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: City Water & Light  
 Address: 400 E. Monroe  
 City, State: Jonesboro AR ZIP 72401  
 Telephone: 930-3325

**Applicant:**

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

---

Name: City of Jonesboro, AR  
 Address: 515 W. Washington  
 City, State: Jonesboro, AR 72401  
 Telephone: (870) 932-0406

Signature: X Kuan Molen  
CWL Special Projects  
Administrator

Signature: Harold Perrin  
 Mayor Harold Perrin



*City of Jonesboro City Council*  
**Staff Report – RZ09-07: C.O.J. Public Works Facility**  
 Huntington Building - 900 W. Monroe  
*For Consideration by the Council on May 19, 2009*

**REQUEST:** To consider rezoning a parcel of property containing approximately (33.9) acres more or less.

**PURPOSE:** A recommendation for approval of a rezoning from R-1 Single Family Residential to I-1 Limited Industrial District to the City Council from the MAPC.

**APPLICANT/ OWNER:** City of Jonesboro, AR, 515 W. Washington Ave., Jonesboro, AR 72401

**LOCATION:** Southwest Corner of Lacy Drive & State Hwy. 91-Dan Ave.  
 Between Best Industrial Drive and Henson Rd.

**SITE DESCRIPTION:** Tract Size: Approx. 33.01 acres +/-  
 Frontage: Approx. 530 ft. on Dan Ave./2572.68 Ft. on Lacy  
 Topography: Primarily flat.  
 Existing Dvlpmt: Vacant Farm Land

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-I	Vacant
South:	R-1,	Vacant
East:	R-1	Vacant
West:	R-1/C-3	Vacant

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Industrial uses. This designation includes all future industrial typically allowed in the I-1 Limited Industrial Zoning District. This area is currently being evaluated by the Land Use Committee and has been highlighted for Industrial on the new Land Use Map. If adopted, the proposed use will be consistent with the general planning principals for this general area.

Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

**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.

**MAPC Public Hearing 5/12/09- Record of Proceedings:**

*City Planner, Otis Spriggs stated that on behalf of the Mayor, City Council Public Works Committee he is requesting approval of this rezoning so that the process to locate a new facility can be completed. The area was primarily used as agriculture, and there are a number of commercial uses in the area. The rezoning is consistent with the Land Use plan that is currently being completed for adoption as well as the 1995 Comprehensive Plan. The location is Lacy Drive and Dan Ave.*

*No opposition was present.*

*This is a recommendation to City Council on a rezoning from R-1 Residential to I-1 Limited Industrial. Mr. Ken Collins made a motion to recommend to the City Council, approval of the rezoning. Motion was seconded by Mr. Ron Kelton.*

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

**Findings:**

The Mayor's Long Range Facilities Committee has been planning and managing the process for relocating the new Street, Sanitation, and Fleet Maintenance Facility on the subject site which was formerly owned by City Water and Light. The site does contain some floodplain and will be redeveloped to allow for this facility, as well as be upgraded with necessary utilities.

From a land use perspective, this area is ideal for commercial industrial uses, due to a direct access to a major thoroughfare providing easy access to the expressway. There is no direct adjacency of residential uses in relationship with this site; therefore compatibility is not an issue.

**Conclusion:**

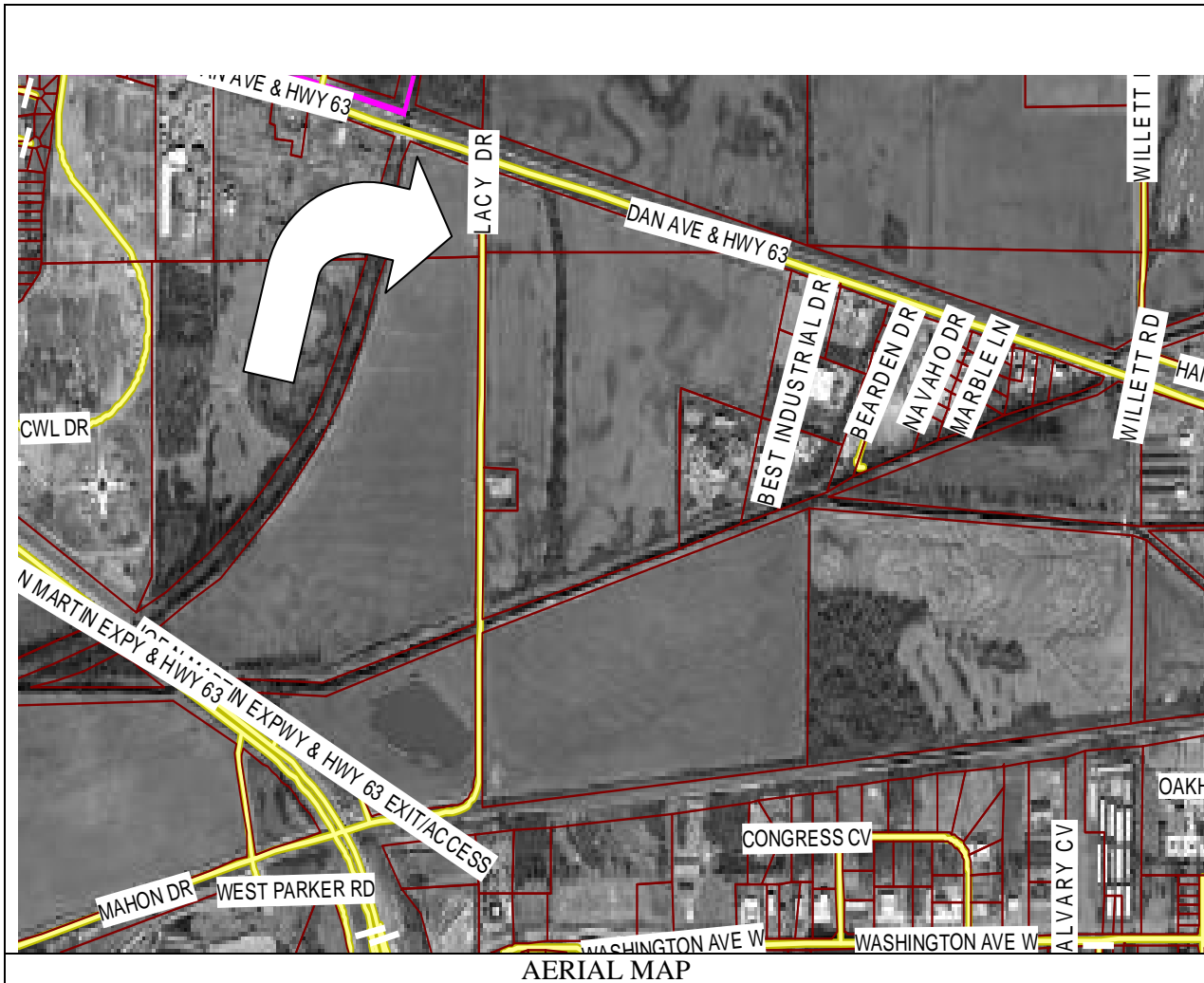
The Planning Department Staff, the Council Public Works Committee, and the Metropolitan Area Commission find that the requested zone change submitted should be approved by the Jonesboro City Council, as a rezoning from R-1 to I-1 Limited Industrial. This rezoning will follow good land use

design principles as well as provide a well-needed facility to efficiently and effectively serve the citizens of Jonesboro, as well as promote economic development to that region.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



AERIAL MAP



View looking North on Lacy at Site



View looking east at project site



View looking North along Lacy Rd.



View looking South along Lacy Rd.



View looking West across Lacy from Site



View looking North from southern portion



View looking east along Dan Ave. Frontage



View looking from south from Dan Avenue towards Site



# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: ORD-09:032

**Introduced:** 5/14/2009

**Current Status:** Second Reading

**Version:** 1

**Matter Type:** Ordinance

title

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED AT 4800 E. JOHNSON AVE. (49N).

body

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

SECTION 1: 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) RESIDENTIAL & (C-3) GENERAL COMMERCIAL TO PD-C (PLANNED DEVELOPMENT COMMERCIAL), THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

DESCRIPTION OF THE HEALTH TECH AFFILIATES, INC. PROPERTY RECORDED AT DEED BOOK 773 PAGE 538, DEED BOOK 773 PAGE 541, DEED BOOK 773 PAGE 544, AND DEED BOOK 773 PAGE 547 BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL BEING IN SECTION 2, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY ARKANSAS; THENCE NORTH 00 DEGREES 40 MINUTES 13 SECONDS EAST, A DISTANCE OF 64.86 FEET TO A FOUND 1/2 INCH REBAR WITH CAP (PLS 1400) IN THE NORTH RIGHT OF WAY OF HIGHWAY 49 (RIGHT OF WAY VARIES); THENCE IN A WESTWARDLY DIRECTION, ALONG THE NORTH LINE OF SAID HIGHWAY 49, THE FOLLOWING EIGHT (8) COURSES; SOUTH 84 DEGREES 29 MINUTES 24 SECONDS WEST, A DISTANCE OF 150.85 FEET TO A FOUND 1-1/4 INCH IRON PIPE (PLS 569); THENCE SOUTH 89 DEGREES 11 MINUTES 14 SECONDS WEST, A DISTANCE OF 10.74 FEET TO A SET 1/2 INCH REBAR W/CAP (PLS 1433); THENCE SOUTH 89 DEGREES 11 MINUTES 14 SECONDS WEST, PASSING A FOUND 1-1/4 INCH IRON PIPE W/CAP (PLS 569) AT 139.24 FEET, BUT IN ALL A DISTANCE OF 150.17 FEET TO A FOUND 1/2 INCH REBAR A DISTANCE OF 150.17 FEET TO A FOUND 1/2 INCH REBAR; THENCE SOUTH 89 DEGREES 13 MINUTES 14 SECONDS WEST, A DISTANCE OF 268.10 FEET TO A FOUND 1-1/4 INCH

IRON PIPE WITH CAP (PLS 569); THENCE NORTH 82 DEGREES 22 MINUTES 04 SECONDS WEST, A DISTANCE OF 203.77 FEET TO A FOUND 1-1/4 INCH IRON PIPE; THENCE SOUTH 89 DEGREES 04 MINUTES 47 SECONDS WEST, A DISTANCE OF 362.05 FEET TO A FOUND 5/8 INCH REBAR WITH CAP (PLS 569); THENCE SOUTH 68 DEGREES 47 MINUTES 26 SECONDS WEST A DISTANCE OF 96.53 FEET TO A FOUND 1-1/4 INCH IRON PIPE WITH CAP (PLS 569); THENCE SOUTH 84 DEGREES 31 MINUTES 23 SECONDS WEST A DISTANCE OF 95.53 FEET TO A FOUND 1-1/4 INCH IRON PIPE WITH CAP (PLS 569); THENCE DEPARTING SAID NORTH R.O.W. LINE OF HIGHWAY 49, NORTH 00 DEGREES 42 MINUTES 41 SECONDS EAST A DISTANCE OF 1938.05 FEET TO A FOUND 1-1/4 INCH IRON PIPE WITH CAP (PLS 569); THENCE NORTH 89 DEGREES 25 MINUTES 47 SECONDS EAST, A DISTANCE OF 1327.65 FEET TO A FOUND 1-1/4 INCH IRON PIPE WITH CAP (PLS 569); THENCE SOUTH 00 DEGREES 42 MINUTES 38 SECONDS WEST, A DISTANCE OF 657.71 FEET TO A POINT; THENCE NORTH 89 DEGREES 12 MINUTES 40 SECONDS EAST, PASSING A FOUND 1/2 INCH REBAR WITH CAP (PLS 1400) AT 0.61 FEET, BUT IN ALL A DISTANCE OF 630.62 TO A FOUND 1/2 INCH REBAR WITH CAP (PLS 1400); THENCE SOUTH 00 DEGREES 44 MINUTES 06 SECONDS WEST, A DISTANCE OF 1253.13 FEET TO A FOUND 1/2 INCH REBAR WITH CAP (PLS 1400) IN THE NORTH RIGHT OF WAY OF SAID HIGHWAY 49; THENCE IN A WESTWARDLY DIRECTION, ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING THREE COURSES; NORTH 84 DEGREES 42 MINUTES 45 SECONDS WEST, A DISTANCE OF 148.13 TO A FOUND R.O.W. POST; THENCE SOUTH 87 DEGREES 55 MINUTES 53 SECONDS WEST, A DISTANCE OF 461.33 FEET TO A FOUND R.O.W. POST (BENT); THENCE SOUTH 82 DEGREES 14 MINUTES 50 SECONDS WEST, A DISTANCE OF 21.46 FEET TO THE TRUE POINT OF BEGINNING, AND CONTAINING 76.24 ACRES, MORE OR LESS.

SECTION II: REZONING SHALL BE CONTINGENT UPON COMPLIANCE WITH ALL DEVELOPMENT CRITERIA AND COVENANTS, PRELIMINARY AND FINAL DEVELOPMENT PLAN REVIEW BY THE METROPOLITAN AREA PLANNING COMMISSION, AND APPROVAL OF THE ATTACHED CONCEPTUAL PLANS.

SECTION III: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, INSOFAR AS IT RELATES TO THE LANDS DESCRIBED HEREINABOVE SO THAT THE ZONING CLASSIFICATION OF SAID LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.

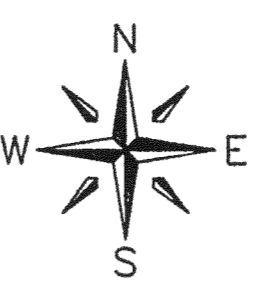
PAUL WALLIS of ux  
DEED BOOK 583 PAGE 489  
ZONED R-1

PRESTON WILLIAMS of ux  
DEED BOOK 604 PAGE 841  
ZONED R-1  
C=1327.48'  
M=1327.65'  
N 89°25'47" E

LOWELL D. FAUGHT  
ZONED R-1

LOWELL D. FAUGHT  
ZONED R-1

0' 100' 200' 300'



Rezone C-3 to PD-C

Overall Rezone PD-C

Description of the Health Tech Affiliates, Inc. property recorded at Deed Book 773 Page 538, Deed Book 773 Page 544, and Deed Book 773 Page 547 being a part of the Southwest Quarter of the Southwest Quarter and the South half of the Northwest Quarter of the Southwest Quarter, all being in Section 2, Township 14 North, Range 4 East, Craighead County Arkansas, being more particularly described as follows:

Description of the Health Tech Affiliates, Inc. property recorded at Deed Book 773 Page 538, Deed Book 773 Page 544, and Deed Book 773 Page 547 being a part of the Southwest Quarter of the Southwest Quarter and the South half of the Northwest Quarter of the Southwest Quarter, all being in Section 2, Township 14 North, Range 4 East, Craighead County Arkansas, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 2, Township 14 North, Range 4 East, Craighead County Arkansas; thence North 00 degrees 40 minutes 13 seconds East, a distance of 64.86 feet to a found 1/2 inch rebar with cap (PLS 1400) in the North Right of Way of Highway 49 (Right of Way Varies), thence in a westerly direction, along the North line of said Highway 49 the following eight (8) courses; South 84 degrees 29 minutes 24 seconds West, a distance of 150.85 feet to a found 1-1/4 inch iron pipe (PLS 569); thence South 89 degrees 11 minutes 14 seconds West, a distance of 10.74 feet to a set 1/2 inch rebar w/cap (PLS 1433); thence South 89 degrees 11 minutes 14 seconds West, passing a found 1-1/4 inch iron pipe w/cap (PLS 569) at 139.24 feet, but in all a distance of 150.17 feet to a found 1/2 inch rebar; thence South 89 degrees 13 minutes 14 seconds West, a distance of 268.10 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence North 82 degrees 22 minutes 04 seconds West, a distance of 203.77 feet to a found 1-1/4 inch iron pipe; thence South 89 degrees 04 minutes 47 seconds West, a distance of 362.05 feet to a found 5/8 inch rebar with cap (PLS 569); thence South 68 degrees 47 minutes 25 seconds West a distance of 95.53 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence South 84 degrees 31 minutes 23 seconds West a distance of 95.53 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence departing said North R.O.W. line of Highway 49, North 00 degrees 42 minutes 41 seconds East a distance of 1938.05 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence North 89 degrees 25 minutes 47 seconds East, a distance of 1327.65 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence South 00 degrees 42 minutes 39 seconds West, a distance of 1620.45 feet to a found 5/8 inch rebar with cap (PLS 569); thence South 00 degrees 40 minutes 13 seconds West, a distance of 287.60 feet to the True Point of Beginning and containing 58.25 acres, more or less.

Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 2, Township 14 North, Range 4 East, Craighead County Arkansas; thence North 00 degrees 40 minutes 13 seconds East, a distance of 64.86 feet to a found 1/2 inch rebar with cap (PLS 1400) in the North Right of Way of Highway 49 (Right of Way Varies); thence in a Westwardly direction, along the North line of said Highway 49, the following eight (8) courses; South 84 degrees 29 minutes 24 seconds West, a distance of 150.85 feet to a found 1-1/4 inch iron pipe (PLS 569); thence South 89 degrees 11 minutes 14 seconds West, a distance of 10.74 feet to a set 1/2 inch rebar w/cap (PLS 1433); thence South 89 degrees 11 minutes 14 seconds West, passing a found 1-1/4 inch iron pipe w/cap (PLS 569) at 139.24 feet, but in all a distance of 150.17 feet to a found 1/2 inch rebar; thence South 89 degrees 13 minutes 14 seconds West, a distance of 268.10 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence North 82 degrees 22 minutes 04 seconds West, a distance of 203.77 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence South 89 degrees 04 minutes 47 seconds West, a distance of 362.05 feet to a found 5/8 inch rebar with cap (PLS 569); thence South 68 degrees 47 minutes 25 seconds West a distance of 95.53 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence South 84 degrees 31 minutes 23 seconds West a distance of 95.53 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence departing said North R.O.W. line of Highway 49, North 00 degrees 42 minutes 41 seconds East, a distance of 1938.05 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence North 89 degrees 25 minutes 47 seconds East, a distance of 1327.65 feet to a found 1-1/4 inch iron pipe with cap (PLS 569); thence South 00 degrees 42 minutes 39 seconds West, a distance of 1620.45 feet to a found 5/8 inch rebar with cap (PLS 569); thence South 00 degrees 40 minutes 13 seconds West, a distance of 287.60 feet to the True Point of Beginning and containing 58.25 acres, more or less.

WITNESS CORNER  
FOUND 1-1/4" IRON PIPE  
APPROX. 10" TALL  
N 87°43'32" W 2.48'  
FROM PROPERTY CORNER

FOUND 1-1/4" IRON PIPE  
W/CAP (PLS 569) DRIVEN  
FLUSH AT OLD FENCE CORNER

ELVIS COBLE  
ZONED R-1

OLD POST AND WIRE FENCE

BRENT PANNECK  
DEED BOOK 681 PAGE 68  
ZONED R-1

S 1/2 NW 1/4 SW 1/4  
876365.04 SQ. FT.  
20.12 ACRES

SW 1/4 SW 1/4  
1569025.79 SQ. FT.  
36.02 ACRES

HEALTH TECH AFFILIATES, INC.  
DEED BOOK 773 PAGE 544  
2445390.83 SQ. FT.  
56.14 ACRES  
CURRENTLY ZONED C-3  
PROPOSED ZONING PD-C

DWIGHT FARMER of ux  
ZONED R-1

FOUND 1/2" REBAR W/CAP  
ON-LINE, 0.61' FROM  
PROPERTY CORNER (PLS 1400)

C=630.00'  
M=630.62'  
N 89°12'40" E

FOUND 1/2" REBAR  
W/CAP (PLS 1400)

LINE	BEARING	MEASURED DISTANCE	CALL (RECORD) DISTANCE
L1	S 00°40'13" W	64.86'	N/A
L2	S 84°29'24" W	150.85'	N/A
L3	S 89°11'14" W	10.74'	N/A
L4	S 89°11'14" W	150.17'	150.00'
L5	S 68°47'26" W	95.53'	95.66'
L6	S 84°31'23" W	95.53'	95.49'
L7	S 00°42'41" W	30.30'	N/A
L8	S 82°14'50" W	21.46'	21.61'
L9	N 85°08'08" W	43.33'	N/A

ZONED: R-1  
MIN. LOT SIZE - 8,000 SQ FT  
MIN. LOT WIDTH - 50 FT  
MIN. FRONT YARD - 25 FT  
MIN. SIDE YARD - 7.5 FT  
MIN. REAR YARD - 25 FT  
MAX. BLDG. COVERAGE - 35%  
MAX. HEIGHT - 35 FT

ZONED: C-3  
MIN. LOT SIZE - 6,500 SQ FT  
MIN. LOT WIDTH - 50 FT  
MIN. FRONT YARD - 25 FT  
MIN. SIDE YARD - 10 FT  
MIN. REAR YARD - 20 FT  
MAX. HEIGHT - 45 FT

CONSULT THE CITY OF JONESBORO  
ZONING ORDINANCE FOR FURTHER  
RESTRICTIONS WHICH MAY APPLY.

Rezone from R-1 to PD-C

Description of the Health Tech Affiliates, Inc. property recorded at Deed Book 773 Page 541 being a part of the Southwest Quarter of the Southwest Quarter, all being in Section 2, Township 14 North, Range 4 East, Craighead County Arkansas, being more particularly described as follows:

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Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 2, Township 14 North, Range 4 East, Craighead County Arkansas; thence North 00 degrees 40 minutes 13 seconds East, a distance of 64.86 feet to a found 1/2 inch rebar with cap (PLS 1400) in the North Right of Way of Highway 49 being the True Point of Beginning; thence North 00 degrees 40 minutes 13 seconds East, a distance of 287.60 feet to a found 5/8 inch rebar with cap (PLS 569); thence North 00 degrees 42 minutes 39 seconds East, a distance of 962.74 feet to a point; thence North 89 degrees 12 minutes 40 seconds East, passing a found 1/2 inch rebar with cap (PLS 1400) at 0.61 feet, but in all a distance of 630.62 feet to a found 1/2 inch rebar with cap (PLS 1400); thence South 00 degrees 44 minutes 06 seconds West, a distance of 1253.13 feet to a found 1/2 inch rebar with cap (PLS 1400) in the North Right of Way of said Highway 49; thence in a Westwardly direction, along said North Right of Way line the following three courses; North 84 degrees 42 minutes 45 seconds West, a distance of 148.13 feet to a found R.O.W. post; thence South 87 degrees 55 minutes 53 seconds West, a distance of 461.33 feet to a found R.O.W. post (bent); thence South 82 degrees 14 minutes 50 seconds West, a distance of 21.46 feet to the True Point of Beginning, and containing 17.99 acres, more or less.

GENERAL NOTES

This survey was requested by and performed for: Mr. Pat Harcourt A2H, Inc. Lakeland, Tennessee Date of field survey: May 4, 2008

Note: No visible, obvious or apparent indications of existing burial grounds or cemeteries were observed during the course of this survey. No visible, obvious or apparent indications of wetlands were observed during the course of this survey. Jimmy L. Cleveland, PLS does not express any expertise in the recognition of burial grounds, cemeteries nor wetlands.

Note: This survey was made in accordance with Chicago Title Insurance Policies FC20636, FC20637, FC20638, FC20639. The property depicted on this survey is subject to any and all easements, recorded or unrecorded, shown or not shown on this survey.

Note: North as shown hereon is based upon Grid North as per Arkansas North State Plane Coordinate System, NAD 83.

Note: This plat was prepared from deed description and found evidence.

Note: There are no visible and/or apparent encroachments or projections other than those shown hereon.

Note: Location of underground utilities (shown or not shown) is approximate only. Location, preservation and repair of all utilities (shown or not shown hereon) is the sole responsibility of the contractor or homeowner. Contractor or homeowner should inform proper utility companies prior to the initiation of any construction. Jimmy L. Cleveland, PLS will not be held responsible for damage to any utilities (shown or not shown).

OWNER INFORMATION

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: DAVID C. HOGAN  
Address: 350 N. HUMPHREYS BLVD  
City, State: MEMPHIS, TN Zip: 38120  
Telephone: (901) 227-0530  
Facsimile: (901) 277-4175  
Signature: [Signature]

FLOOD HAZARD CERTIFICATION

This is to certify that a portion of this property (the subject property surveyed) is not within the limits of a designated flood hazard area. The subject property is within Zone X per FEMA FIRM Map Number 050310063 C dated September 27, 1991 based upon our interpretation of the location of the flood hazard boundary limits in relation to the property lines.

CERTIFICATE OF SURVEY

"I hereby certify that this is a Type B Urban survey and the ratio of precision of the unadjusted survey is at least 1:10,000 as shown hereon."

By: [Signature]  
Jimmy L. Cleveland, PLS  
License No. 1433, State of Arkansas  
P.O. Box 455  
Brighton, Tennessee 38011  
(801) 837-6273



REZONING PLAT

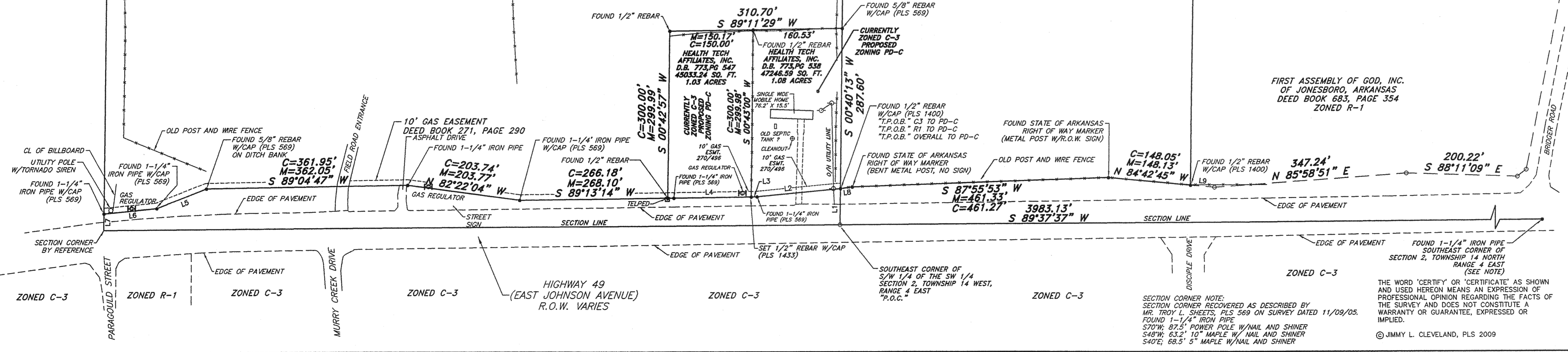
JIMMY L. CLEVELAND, PLS  
P.O. BOX 455 • 176 KING FARMS LOOP  
BRIGHTON, TENNESSEE 38011 • 901-837-6273  
LAND SURVEYING • MAPPING

HEALTH TECH AFFILIATES, INC. PROPERTY

DRAWING FILE: 10261026ZONING.DWG SCALE: 1" = 100' JOB NO: 1026  
DATE: 4/6/2009 SHEET 1 OF 1 SHEETS

SECTION CORNER NOTE:  
SECTION CORNER RECOVERED AS DESCRIBED BY MR. TROY L. SHEETS, PLS 569 ON SURVEY DATED 11/09/05.  
FOUND 1-1/4" IRON PIPE  
S70°W; 87.5' POWER POLE W/NAIL AND SHINER  
S48°W; 63.2' 10" MAPLE W/NAIL AND SHINER  
S40°E; 68.5' 5" MAPLE W/NAIL AND SHINER

THE WORD 'CERTIFY' OR 'CERTIFICATE' AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.  
© JIMMY L. CLEVELAND, PLS 2009







## II. DEVELOPMENT STANDARDS

### A. Height Limits

1. Area A
  - a. Area greater than 100 feet from a public right-of-way – 165 feet maximum excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.
2. Area B
  - a. Maximum height of 80 feet excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.
3. Area D
  - a. Maximum height of 65 feet excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.
4. Area C
  - a. Maximum height of 35 feet excluding mechanical enclosures occupying less than 1/3 of the roof area.

### B. Floor Area Ratio

1. Area A
  - a. The total FAR of all buildings within this area shall not exceed 0.75.
2. Area B
  - a. The FAR of buildings within this area shall not exceed 0.75.
3. Area D
  - a. The total FAR of all buildings within this area shall not exceed 0.50.
4. Area C
  - a. The total FAR of all building within this area shall not exceed 0.25.
  - b. Floor Area Ratio shall not apply to residential uses, nursing homes, independent living facilities or assisted living facilities.

## III. OPEN SPACE REQUIREMENTS

### A. Common Open Space

1. Areas E and other locations labeled common open space shall be developed as common open spaces for the NEA Baptist Memorial Healthcare Development and used for jogging and passive recreation uses such as sitting, scenic viewing or lunch breaks.
2. Common open space shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, signage and other recreational or landscaping amenities.
3. Common open space shall be maintained by the Property Owners Association pursuant to covenants or a maintenance agreement approved by the City Attorney.
4. A statement suitable to the Director of Planning shall be on each Final Plan stating that no Property Owners Association property shall be dedicated or deeded to the City of Jonesboro.

### B. Individual Lot Open Space

1. Impervious Surface Area
  - a. Area A – No maximum impervious surface coverage established.
  - b. Area B – No maximum impervious surface coverage established.
  - c. Area D – 85% maximum impervious surface cover.
  - d. Area C – 85% maximum impervious cover.

2. Parking Lot Open Space Requirements
  - a. All parking lots shall contain a minimum of 7% open space not covered with impervious materials.

#### IV. ACCESS, PARKING, AND CIRCULATION

- A. Access to the Property
  1. Three public access points shall be provided to the property from Highway 49 (East Johnson Road).
- B. Access to Individual Lots
  1. Access to individual lots shall be subject to the approval of the Metropolitan Area Planning Commission at Final Plan Review.
  2. Access to private drive and streets
    - a. Access to private drive and streets shall be regulated by the owner of the private drive or street.
- C. Public Right-of-Way Improvements
  1. All proposed private roads shall be constructed in accordance to the engineering and design standards of the City of Jonesboro.
  2. Modifications to existing roads to implement the proposed public street improvements of the Conceptual Development Plan shall be permitted and be subject to the requirements of the City of Jonesboro to close and/or modify a public street.
- D. Private Drives and Street Improvements
  1. Private Drives and Streets shall not be subject to the design standards and technical specifications of the City of Jonesboro.
- E. Off-Street Parking and Loading Space Requirements
  1. Off-street parking Area A
    - a. Hospital Parking – 0.4 spaces for each employee, plus one space for each 3 beds, plus one space for 5 daily outpatient treatments, plus one space for each 4 members of the medical staff and plus 3 spaces per 1000 square feet of floor area dedicated to medical office.
    - b. Non-Hospital Use – The number of spaces to be provided in accordance with the City of Jonesboro Code of Ordinance Sec. 14.36.01
  2. Off-Street Parking Area C and Area D
    - a. The number of spaces to be provided in accordance with the City of Jonesboro Code of Ordinance Sec14.36.01.
  3. Loading Space Requirements
    - a. Hospital Use – Three loading spaces required.
    - b. Retail and Institutional Use – One space required for each 10,000 square feet of floor area.
    - c. Office or Research Facility Use – One space required for buildings with more than 50,000 square feet of floor area.
    - d. Warehouse Use – One space required for each 20,000 square feet of floor area.

- F. Circulation
  - 1. Internal vehicular circulation between lots shall be provided between adjacent uses.
  - 2. Delivery truck circulation shall be separated whenever feasible from automobile and pedestrian systems.
  - 3. Sidewalks or paved pedestrian paths shall be provided between buildings and vehicular parking areas.

#### V. LANDSCAPING, SCREENING AND BUFFERYARDS, AND LIGHTING

- A. Landscaping
  - 1. All open-space areas of a lot shall be landscaped with grass, trees, shrubs, flowers, vines, groundcover plants and other organic plant materials.
  - 2. All parking areas shall be landscaped with one 3" caliper tree required per 10 parking spaces.
  - 3. All landscaping in roadway medians and public right-of-ways shall be maintained by the Property Owners Association.
- B. Screening and Bufferyards
  - 1. Landscape screen and transitional bufferyards shall only be provided between properties and lots within this Planned Unit Development and properties and lots outside of this PUD. No screening and bufferyards shall be required between uses within this PUD.
  - 2. All garbage collection areas, utility meters, transformers and other site utilitarian structures shall be screened with landscape materials or an approved architectural structure.
- C. Site Lighting
  - 1. Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings and in parking areas.
  - 2. Lighting shall be directed downward or shielded to avoid hazards to drives or glare on abutting uses.
  - 3. Maximum height of lighting standards above adjacent grade shall be 30 feet.

#### IV. SIGNS

- A. Permitted Signs
  - 1. Area A and Area B
    - a. Ground Mounted Post Signs, Ground Mounted Directional Signs, Ground Mounted Business Identification Signs, Marquee Signs, Projecting Signs, Temporary Signs and Wall Signs shall be permitted.
    - b. Signage shall be in accordance with Section 14.32.11 and 14.32.11.1 of the City of Jonesboro Municipal Code.
    - c. Traffic directional, street signs and regulatory signs shall be permitted as regulated by the City of Jonesboro and the Manual of Traffic Control Devices (Millennium edition).
  - 2. Area C and Area D
    - a. Ground Mounted Business Identifications Signs, Wall Signs and Temporary Signs shall be permitted.
    - b. Signage shall be in accordance with Section 14.32.11 and 14.32.11.1 City of Jonesboro Municipal Code.

- c. Traffic directional, street signs and regulatory signs shall be permitted as regulated by the City of Jonesboro and the Manual of Traffic Control Devices (Millennium Edition).
  - 4. The number and location of Ground Mounted Post Signs and Ground Mounted Directory Signs and Gateway signage shall be shown on the Final Development Plan.
- B. Prohibited Signs
  - 1. Awning Signs
  - 2. Bench Signs
  - 3. Portable Signs
  - 4. Signs identified in Sec. 14.32.11.6 of the City of Jonesboro Municipal Code (Prohibited Signs)
- C. Gateway Signage
  - 1. Gateway signage shall consist of three signs: one sign identifying the overall development, one sign identifying the NEA Baptist Memorial Healthcare Hospital and one sign identifying the Clinic.
    - a. The size of all three signs shall not exceed 150 square feet each.
    - b. The location of the signage shall be as shown on the Final Development Plan and not interfere with the Sight Triangle.
    - c. The height of the signage shall not exceed 35 feet in height.
- D. Monument Signs
  - 1. Two monument signs are permitted on Highway 49/East Johnson Road (Refer to approximate locations on Final Development Plan).
  - 2. The monument signs on Highway 49/East Johnson Road shall identify the development, the NEA Baptist Memorial Hospital and significant users.
  - 3. A monument sign shall not exceed 150 square feet.
  - 4. A monument sign shall not exceed 35 feet in height.

## VII. MISCELLANEOUS CONDITIONS

- A. Outdoor Storage Areas shall not be permitted in the NEA Baptist Memorial Healthcare LLC. P.U.D.
- B. Underground Utility Lines shall not be required for electric, telephone, cable and other similar services. This requirement applies to internal primary and secondary service lines.
- C. Storm Drainage – A means of on-site drainage retention/detention shall be provided to control storm water run-off so that the surface waters will be properly disposed of without adversely affecting neighborhood properties through erosion, flooding and other drainage problems.
  - 1. Each lot owner prior to construction shall obtain the required and necessary permits from the federal and state government entities and the City of Jonesboro.
  - 2. All drainage plans shall be designated in accordance with the policies and design criteria of the City of Jonesboro.
- D. The Proposed Open Spaces in this development shall be owned and maintained by a Property Owners Association. The POA shall be liable for the open spaces. If such maintenance is not performed adequately, the City of Jonesboro may, at their option, perform the necessary maintenance after serving the POA a five-day notice. The reasonable costs thereof shall be paid to the City and if not paid, such costs shall be assessed. The City is not bound by such alternative and if the POA fails to comply with the requirements that the common open spaces be maintained as required, the City may seek legal remedies.

## VIII. PROCEDURE CONDITIONS

- A. Review and Approval of this Conceptual Development Plan shall be in accordance with the City of Jonesboro Code of Ordinances.
- B. The City of Jonesboro Planning Commission may make modifications at the request of the Developer to the Lot Development Standards, site access locations, vehicular or pedestrian circulation alignment, signage locations, landscaping requirements and other sign design issues, however, the Planning Commission may not increase the intensity or modify the uses permitted within this Planned Development without approval of the City of Jonesboro Mayor and Aldermen/City Council Members.

**NEA BAPTIST MEMORIAL HEALTH CARE LLC- JONESBORO  
PLANNED UNIT DEVELOPMENT  
PROJECT NARRATIVE**

**Project Overview**

The proposed Planned Unit Development will be home of NEA Baptist Hospital. NEA-Baptist will be the anchor medical facility on the 76.24 acre site, located between the intersection of Paragould Street and Highway 49 (East Johnson Road) and the intersection of Disciple Drive and Highway 49 (East Johnson Road). NEA-Baptist will provide 24-hour emergency room service.

This is a replacement hospital for the existing NEA-Baptist Hospital in Jonesboro, and the current NEA-Baptist hospital will be closed. The proposed hospital will be located on approximately 41 acres of land of the planned unit development, as shown on the Conceptual Development Plan. A separate medical office building will be attached to the hospital and serve as a clinic. Other future facilities developed on the property will support healthcare services.

**Project Benefits**

The development will provide economic benefits to Jonesboro and the surrounding region. These benefits include increased employment opportunities, the location of allied medical businesses, and the capturing of healthcare dollars among others.

The replacement NEA-Baptist hospital will increase overall bed capacity serving Jonesboro and the surrounding region. The project will require substantial financial investment by the owners.

**Development Conditions**

Development conditions have been created for this project and detailed information can be found on the Conceptual Development Plan. A general, brief overview of these conditions are as follows:

**Height.**

- The hospital will have a maximum height of 165', with other development buildings be designated with a maximum height of 65' or 35'.

**Floor Area Ratio**

- Floor Area Ratio standards are in place for Areas A, B, C, and D.

**Open Space.**

- Common open space requirements comply with Jonesboro Municipal Code by exceeding the 15% open space requirement.
- Areas designated common open space will be landscaped attractively and allow for recreational uses such as jogging, walking, sitting, etc.
- Open space maintenance and ownership and required impervious surface percentages have been established for parking areas and individual lots

### **Access, Parking, and Circulation**

- Access to the property, access to individual lots, public right of way improvements, private drives and street improvements, off-street parking and loading requirements, and circulation are all addressed with requirements.

### **Landscape, Screening, and Bufferyards, and Lighting**

- Landscape requirements for open space, parking areas, and maintenance of public right-of-ways and road medians have been established.
- Screening and bufferyard standards have been developed for properties and lots within the planned unit development and garbage cans, utility meters, transformers, and other utility structures.

### **Site Lighting**

- Site lighting standards for safety has been established
- Maximum heights for lighting standards have been established.

### **Signs**

- Permitted and prohibited signs for each area of the development are outlined within the development conditions.
- Gateway signage regulations, including number, size, height, and location have been established.
- Monument signage regulations, including number, size, height, and location have been established.

### **Miscellaneous**

- Miscellaneous items such as outdoor storage areas, underground utility lines, storm drainage, and open space property owners associations are discussed with specific requirements pertaining to each item.

### **Procedural Conditions**

- Requirements for review and approval as well as future requests for modifications to the planned unit development are outlined.

### **Project Concerns**

Initial project concerns included the future development's affect on the nearby airport's flight take offs/landings (glide paths) and the area's road capacities and transportation patterns.

Because the site is within close proximity to the Jonesboro Municipal Airport, action was taken to confirm that future development on the proposed site would not be in conflict with airport operations. The findings were as follows:

- The airport layout plan was reviewed and conical surfaces in relation to the proposed hospital were checked. This review yielded no apparent problems or



concerns with future site development because the proposed hospital will be perpendicular to the Runway where the imaginary surfaces rise the quickest.

- A Form 7460-1 to the FAA (Federal Aviation Administration) will be submitted for approval of the hospital once the exact location and proposed height of the hospital has been determined.

A meeting with Arkansas Highway Department officials was held to determine the potential impacts of the hospital and how these impacts might be mitigated. The meeting yielded the following results:

- Required improvements will not be necessary along the frontage for turning lanes because a 5 lane section along Jackson Avenue currently exists.
- Driveway permits will be required and issued to City of Jonesboro based on design plans.
- Three (3) drives will be permitted along Hwy 49/Johnson Ave.
- 30' wide driveways (max is 40') separated by a minimum of 10' island are acceptable for our main entrance
- No drives allowed within 10' of side property lines.
- The state does not require curbed frontage. 6' away from the shoulder all site curbing shall be terminated.
- Traffic Signal plans need to be sent to AHTD Paragould first for review then they will send to Little Rock AHTD for approval.

An additional meeting with the City of Jonesboro engineer, Craig Light. Items addressed included:

- The proposed traffic signal at the NEA-Baptist entrance would preferably be "video" triggered.
- An emergency signal at the ambulance entrance of the development is acceptable
- All signals must meet traffic warrants.

**Location:**

**Site address:** Approx. 4808 Johnson Avenue

**Side of street:** North **between** Paragould St. (south) and Disciple Drive (south)

**Quarter:** SW 1/4    **Section:** 2    **Township:** 14    **Range:** 4 East

**SITE INFORMATION:**

**Existing zoning:** R-1 & C-3

**Proposed Zoning:** PD-C

**Size of site** (square feet and acres): 3,321,179.06 sf / 76.24 ac

**Street frontage** (feet): 1968.66

**Existing use of the site:** Agricultural uses

**Character and adequacy of adjoining streets:** Highway 49 (Johnson Ave.) 5 lane paved road

**Does public water serve the site?** Not presently but it is available across the street on the south side of Highway 49.

**If not, how would water service be provided?** We will bore under Highway 49 and extend a water / fire line loop throughout the site. We will extend a new 12” water line from Bridger Road to the site to connect to the proposed fire line loop.

**Does public sanitary sewer serve the site?** Not presently but it is available across the street on the south side of Highway 49.

**If not, how would sewer service be provided?** We will bore under Highway 49 and extend two separate sewer lines into the site.

**Use of adjoining properties:**

**North:** Very large, open lot residential

**South:** Religious (R-1), Commercial (C-3) across street

**East:** Mobile home park (R-1), Agricultural

**West:** Agricultural (R-1)

**Physical characteristics of the site:** Gently rolling pasture land.

**Characteristics of the neighborhood:** Surrounded by property zoned R-1. Agricultural to the west, very large residential lots to the north, mobile home park and agricultural to the east and Johnson Avenue and Commercial uses to the south.

*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 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.*

- (1) How was the property zoned when the current owner purchased it?** The majority of the property is zoned C-3 with a portion on the east side of the site is zoned R-1.
- (2) What is the purpose of the proposed rezoning? Why is the rezoning necessary?** In order to develop the site for a hospital and medical office uses, a PD-C zoning is necessary in order for the project to have the needed flexibility in building design, circulation routes, and other areas of site design. The intent of the PD-C zoning is to enable the project to be superior in development quality and provide a more complimentary development for adjacent land uses.
- (3) If rezoned, how would the property be redeveloped and used?** If rezoned, the property would be developed and used for hospital and medical office purposes. A new hospital will be developed along with medical office buildings.
- (4) What would be the density of development (eg. Number of residential units, square footage of commercial, institutional, or industrial buildings)?** To be determined.
- (5) Is the rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?** Yes. The future land use plan shows the proposed area as a commercial node development, and the uses for the property will be commercial.
- (6) How would the proposed rezoning be the public interest and benefit the community?** The proposed rezoning would enable a hospital and medical office buildings. This will require significant long term financial investment in the community.
- (7) How would the proposed zoning be compatible with the zoning, uses, and character of the surrounding area?** The proposed rezoning would allow for a hospital and medical offices to be built in a more flexible manner and provide for an environment that will make the development more compatible with its surrounding uses. Under this proposed rezoning, the ability to create landscape buffer, common open space, and other development requirements is available. These created requirements will help create a greater level of compatibility for the proposed development and surrounding areas.

**(8) Are there substantial reasons why the property cannot be used in accordance with the existing zoning?** There are specific building design needs that are not allowable under the current C-3 zoning, and the additional development conditions/requirements that will be developed under the PD-C development are deemed necessary to ensure and maintain a unified, quality development that will provide for a more compatible relationship between the proposed development and adjacent land uses.

**(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.**

**A). Property Value:** Property values would be positively affected by this development. The proposed hospital and medical offices would bring in revenues to the area along with retail businesses (restaurants, merchandise retailers, etc.) that would be able to capture some of the patient employee dollars being spent.

**B). Traffic:** Traffic along Highway 49 (East Johnson Road) will increase, but Highway 49 is an arterial road that has a high traffic capacity. The intended design for the proposed development does not intend on connecting to any existing internal roads. There will be no direct traffic effects on internal streets due to the development. .

**C). Drainage:** Storm water run-off from the development would be mitigated and handled on site. There will be no substantial impacts to surrounding properties. No increase in storm water run-off from this development will occur due to on-site detention of storm water above pre-existing conditions. 100-year storm water run-off will be detained and applicable Jonesboro storm water drainage requirements will be met .

**D). Visual Appearance:** The Hospital will have a strong, positive visual presence for the City of Jonesboro. The PD-C development will require landscape buffers between the PD-C development and adjacent properties to soften the transition between land uses.

**E). Odor:** The proposed use does not have any inherent odors associated with it.

**F). Noise:** Ambulatory services will create an effect on the noise within the area, and there will be a helicopter and helicopter pad to support the hospital. Required landscape buffers between the PD-C development and surrounding uses should help to mitigate the effects of this noise.

**G). Light:** Lighting will be affected due to the lighting of the hospital and hospital parking areas. The required landscape buffers between the PD-C development and surrounding uses should help to mitigate the effects of this light.

**H). Vibration:** The proposed development does not have any inherent vibrations associated with it.

**I). Hours of Operation:** The hours of operation for the hospital are 24 hours.

**(10) How long has the property remained vacant?** Since the 1950's anecdotal information states that there was a barn on the property and the remainder of the site was pasture and hayfields.

**(11) What impact would the proposed rezoning and resulting development have on the utilities, streets, drainage, parks, open space, fire, police, and emergency medical services?**

**A). Utilities:** As much as possible, existing utility connections will be used. We have met with the staff of City Water & Light and continue to work with them on the utilities. Infrastructure is in place to serve this development.

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- (12) **If the rezoning is approved, when would development or redevelopment begin?**  
The hospital portion of this site is expected to begin development as soon as possible once the rezoning classification approval and development plan approval processes have been achieved.
- (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 proposed rezoning has not been discussed with the neighbors please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.*** The neighborhood meeting held on 04/09/2008 yielded positive comments from attending neighbors and concerned citizens. Please see the attached copy of the meeting minutes.
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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 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 as to the best of my knowledge.

Name: David C. Hogan  
Sr. Vice President/Chief Executive Officer  
Baptist Memorial Health Care Corporation  
Address: 350 N. Humphreys Blvd.  
Memphis, TN 38120-2177

Telephone:  
Facsimile:

**Signature:**

**APPLICANT:**

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

Name: Pat Harcourt, PE

Address: 3009 Davies Plantation Road  
Lakeland, TN 38002

Telephone: 901-372-0404

Facsimile: 901-373-4002

**Signature:**

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

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Telephone: (901) 227-8530  
Facsimile: (901) 227-4175

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

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The following snippets of information related to premises security were located on the Internet. All of the articles use information compiled by Liability Consultants Inc, of Sudbury, Massachusetts.

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*This article was located on the website of Witherspoon Security Consulting specialists in Premises Liability – Hospitality / Retail / Parking. Shown below is the opening paragraph of the article.*

## Parking Lot and Garage Security

by Ralph Witherspoon, CPP, CSC

Security professionals have long known that locations where people and their valuables are together — such as in parking lots and garages — are favorite targets of criminals.

That fact, well known among security professionals and police, has recently been confirmed by a study conducted by Liability Consultants, Inc. of Sudbury, Massachusetts. The study of more than 1,000 premises liability lawsuits between 1992 and 2001 revealed that in almost one-third of all the cases reviewed the basis of the suit was a murder, rape, robbery or assault that occurred in a parking lot or garage. Those parking facilities included those such as might be found at an office building, plant, retail establishment, and also pay-for-park lots and garages open to the public. The study also found that jury awards or pre-trial settlements to the plaintiffs in the lawsuits averaged between approximately \$1 million for assaults and \$2.75 million for homicides.

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*This chart was located in a book purchase advertisement located by Google. The book is Premises Security by Williams F. Blake and William F. Bradley. Published by Butterworth-Heinemann and can be purchased at Barnes and Noble*

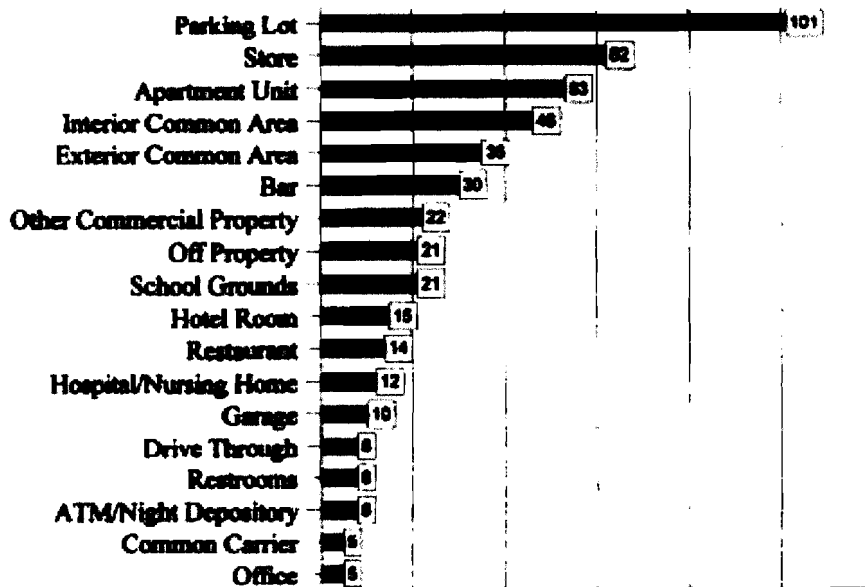
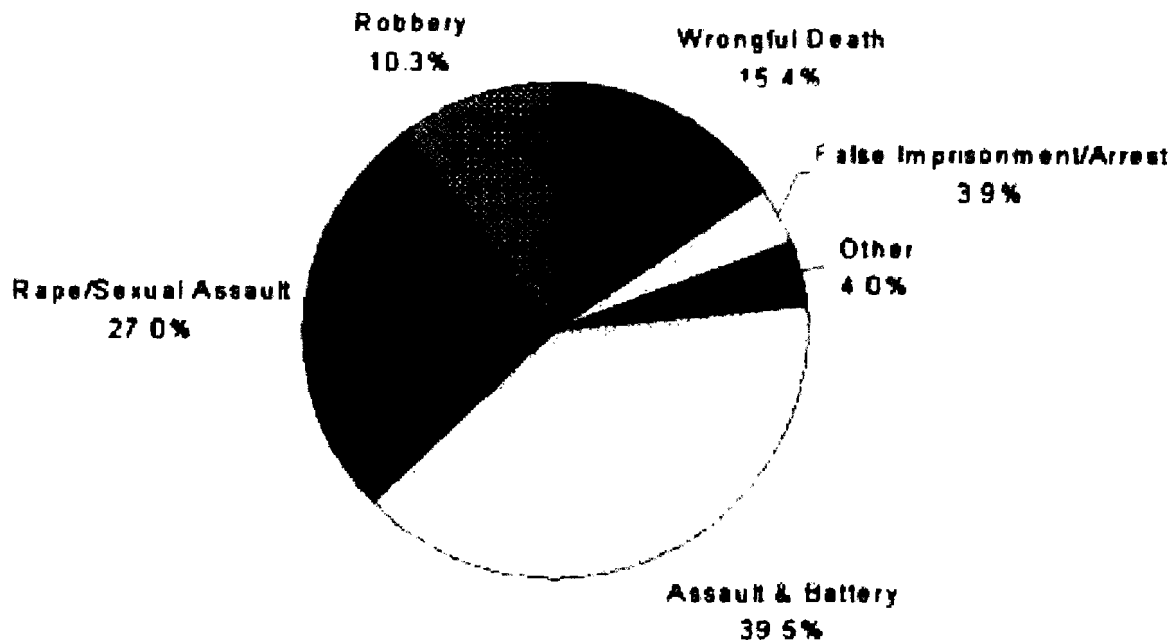


Figure 1.3 Where crimes are occurring, 1993 to 1995 only. This information is from 476 cases for which the location of the crime was revealed. The “Parking Lot category includes crimes occurring in parking lots of all types of businesses. Source: Liability Consultants, Inc.

*This chart was located in a book purchase advertisement located by Google. The book is Premises Security by Williams F. Blake and William F. Bradley. Published by Butterworth-Heinemann*



**Figure 1.2** *Types of Crimes Leading to Inadequate Security Claims, 1993 to 1995 Only. The "Other" category includes crimes such as larceny, motor vehicle theft, arson, burglary, drug violations, excessive force, and other torts. "Assault and Battery" also includes shootings and stabbings not resulting in death. Source: Liability Consultants, Inc. Reprinted with permission.*

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*The following statement was extracted from a research paper prepared by the National Institute of Justice, an arm of the United States Department of Justice, in April, 1996. The twelve page paper was entitled "Crime Prevention Through Environmental Design in Parking Facilities."*

In 1992, parking facilities represented the third most frequent place in which violent crime (e.g., rape, robbery, assault) occurred, averaging about 1,400 violent crimes per day. Therefore it appears that the risk of being attacked in a parking facility, 4 in 1 million, is really quite low.

Interestingly, about 20 percent of violent crime in parking facilities is committed by persons known to the victim.



*City of Jonesboro City Council*  
**Staff Report – RZ09-07: NEA Baptist Memorial Health**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on May 19, 2009*

**REQUEST:** To consider rezoning a parcel of property containing approximately (76.24) acres more or less.

**PURPOSE:** A recommendation for approval of a rezoning from R-1 Single Family Residential and C-3 General Retail to a PD-C (Planned District- Commercial Business District).

**APPLICANT/ OWNER:** Health Tech Affiliates, Inc., 350 N. Humphries Blvd., Memphis, TN 38120

**LOCATION:** On the north side of Highway 49N, West of Bridger Road

**SITE DESCRIPTION:**  
 Tract Size: Approx. 76.24 acres +/-  
 Frontage: Approx. 1968.66 ft. on Highway 49N (Johnson Ave.)  
 Topography: Primarily flat.  
 Existing Dvlpmt: Formerly Agriculture Uses

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential Use
South:	R-1, C-3	Religious, Commercial
East:	R-1	Mobile Home Park, Agricultural
West:	R-1	Agricultural/Residential

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

**COMPREHENSIVE PLAN FUTURE LAND USE MAP**

The 1996 Comprehensive Plan Future Land Use Map (page 24) shows the area recommended as Medium Density Residential. This designation includes all future residential uses that are more than three and maximum of ten units per net acre (R-2 Residential). This designation is outdated and is currently being evaluated by the Land Use Committee. This site is has been highlighted on the proposed land use map as Commercial Node Development. If adopted, the proposed use will be consistent with the general planning principals for this general area.

Pertinent Zoning Ordinance sections include Section 14.44.05(b), ‘change in District Boundary’, beginning on page 104.

**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.

**Section 14.20: Planned Development Districts:**

According to the PD District Codes, PD-C districts typically permits uses that are allowed in the C-1, C-2, C-3 or C-4 Districts. The proposed anchor medical facility will satisfy such requirements. Specific set back and lot perimeter regulation standards are typically allowed to be flexible in accordance with the Planned District code. This is to allow the Commission and Council an opportunity to evaluate unique large unified developments with the intention of gaining a level of design ingenuity in buildings, yards, courts, circulation and open space, and other community amenities.

**Proposed Areas:**

Parcel A:	Hospital:	39.96 ac	
	Open Space:	1.17 ac	<b>Total: 41.13 ac</b>
Parcel B:	NEA Clinic:	3.49 ac	
Parcel C:	Office/Medical:		<b>16.04 ac</b>
Parcel D:	Office/Medical:	2.86 ac	
	Common Open Space:	1.04 ac	<b>Total: 3.90 ac</b>
Parcel E:	Impervious Surface:	1.55 ac	
	Common Open Space:	10.13 ac	<b>Total: 11.68 ac</b>
			<b>Grand Total: 76.24 ac</b>

**Height.**

- The hospital will have a maximum height of 165', with other development buildings be designated with a maximum height of 65' or 35'.

**Floor Area Ratio**

- Floor Area Ratio standards are in place for Areas A, B, C, and D.
- Total proposed building footprints: 239,013 sq. ft. (5.487 acres).

**Open Space.**

- Common open space requirements comply with Jonesboro Municipal Code by exceeding the 15% open space requirement.
- Areas designated common open space will be landscaped attractively and allow for recreational uses such as jogging, walking, sitting, etc.

- Open space maintenance and ownership and required impervious surface percentages have been established for parking areas and individual lots.

*Note: the developer has proposed over 20% open space.*

### **Access, Parking, and Circulation**

- Access to the property, access to individual lots, public right of way improvements, private drives and street improvements, off-street parking and loading requirements, and circulation are all addressed with requirements.
- 1,514 spaces are provided on the conceptual plan.
- Pedestrian foot traffic will be supported by sidewalks and walk paths.
  - *Further detail of sidewalks and locations should be submitted during the Preliminary and Final Development Plan stages.*

Section 14.36.07 states: *Sidewalks shall be required for all multi-family developments that contain five units or more. Sidewalks may be required through the site plan approval process for commercial developments.* Please note:

- *Sidewalks are recommended to be installed along the Highway 49 property frontage to promote future pedestrian connectivity and safety.*

### **Landscape, Screening, and Bufferyards, and Lighting**

- Landscape requirements for open space, parking areas, and maintenance of public right-of-ways and road medians have been established.
- Screening and bufferyard standards have been developed for properties and lots within the planned unit development and garbage cans, utility meters, transformers, and other utility structures.

Note: Perimeter landscape buffers are proposed for the east property lines, north property lines, and north half of the west boundary including common open space areas.

- *A detailed landscape plan shall be submitted as part of the Preliminary and Final Development Plan stages.*

### **Site Lighting**

- Site lighting standards for safety has been established
- Maximum heights for lighting standards have been established.
  - *A detailed site lighting and photometrics plan shall be submitted as part of the Preliminary and Final Development Plan stages.*

## Signs

- Permitted and prohibited signs for each area of the development are outlined within the development conditions.
- 1. Gateway signage shall consist of three signs (not exceeding 150 square feet each): one sign identifying the overall development, one sign identifying the NEA Baptist Memorial Healthcare Hospital and one sign identifying the Clinic. The height of the signage shall not exceed 35 feet in height.
- 2. Monument Signs: Two monument signs are permitted on Highway 49/East Johnson Road (Refer to approximate locations on Final Development Plan).

The monument signs on Highway 49 /East Johnson Road shall identify the development, the NEA Baptist Memorial Hospital and significant users.

Monument signs shall not exceed 150 square feet. Monument sign shall not exceed 35 feet in height.

- *A detailed signage plan shall be submitted as part of the Preliminary and Final Development Plan Process.*

### **Utility Agency Review:**

*A). Utilities: As much as possible, existing utility connections will be used. The applicant has met with the staff of City Water & Light and is continuing to work with them on the utilities. Infrastructure is in place, and evaluation is in progress to determine if it is adequate. Numbers are forthcoming from the Hospital's engineers.*

## **MAPC Public Hearing- 5/12/09 Record of Proceedings:**

*RZ 09-09 NEA Baptist Hospital request a rezoning from R-1 & C-3 to PD-C*

### **Applicant/Developer:**

*Mr. Pat Harcourt, of Askew Hargraves stated he is representing the proposed rezoning/ planned development. This is an existing 76 acres of land, and it is cut into 4 different pieces. The bulk of the property is currently zoned C-3 except 18 acres. It is consistent with the surrounding uses across the street which are commercial such as a hardware store, and a hospital surgical center. This is a major thoroughfare road. We are asking for a Planned Development format, everything is medically related for the campus. The bulk is the medical hospital with the clinic next to that. We are requesting a zero lot line for the clinic, and special consideration for the height of the hospital. There is a utility plan. He explained the future expansion plan. They will be extending out in the rear area for future use. He presented the updated site/concept plan.*

*Mr. Collins asked is this just a consideration for the rezoning?*

*Mr. Day: This will be the first of three meetings: This one is for granting the Planned District, and this restricts the uses.*

*Mr. Spriggs stated that with the approval will be attached the conceptual drawings; the second step will be the preliminary, and the third will be the final development plan. He added that we are requesting that a recommendation be made to Council to have it rezoned to PD-C with the attached conceptual plan and the covenant conditions.*

*Mr. Spriggs stated that Planning, Fire Marshall Staff, Engineering, and Building Inspections have met with the applicant extensively during the conceptual and initial application stages. The property is currently zoned C-3 and R-1, with the majority being a C-3 District. The hospital could have been implemented just within the C-3 area, but they wanted amenities to occur as a planned community. We suggested that they go through the Planned District regulations; with that in mind we can relax some of the standards while gaining such amenities such as open space, and other services that would be beneficial to the general area.*

*The various covenants and conditions break down how many acres are involved: the majority of the acreage is attributed to the clinic, the hospital and with the office uses, as the applicant has described, totally 76.24 acres. The applicant has listed a number of uses that will go within the district, which have been listed in the staff report:*

*Assisted Living Units, Hospital, Medical Outpatient Services, Independent Living Units, Nursing Units, Religious, philanthropic or educational institution; school, public or private; laboratories, Computer Data Center; Medical Research Facility, Private Cogeneration Utility Facility; Radio/TV antenna, tower, earth station greater than 35ft. in height; private ambulance service, Day Care, Doctor's office/Medical Office building; Hotel/Motel; Office; Parking lot/garage; Free standing Pharmacy; Recreational facilities for employees; Surgery Center/Emergency Medical Facility; Wellness Services/Health-plex; Air Ambulance/helicopter Pad (subject to FAA approval).*

*All of the individual proposals would come before the MAPC, under a preliminary and final development plan submittal. We also mentioned in the staff report that the Land Use Advisory Committee has looked at this general area, and has highlighted it as a commercial node; which would encompass mixed use transitional uses such as this. The request is consistent with the direction that the City is going. We have also requested in the staff report some changes to the conditions; such as, more detail will be needed during the platting process to make sure the minimum platting requirements can be satisfied with the 60 foot frontage on a public right-of-way.*

*The only instance where that would be varied would be where the clinic is requesting a zero lot line. That is for financial arrangement that they would like to see happen with the clinic. We are requesting sidewalks to recommended to Council for the frontage of the property so we can work towards the direction that the Council is moving for pedestrian connectivity, if this area were to grow.*

*The applicant is working with the highway department with the traffic issues; they are proposing deceleration lanes on Hwy. 49 North, a traffic signal, and emergency signal are being considered along with an emergency signal for the ambulances.*

*CWL has reviewed the application and is working with the applicant. CWL is stating that the services in terms with the utilities services will be evaluated to see if it is adequate and the numbers are forthcoming by the applicant's engineers. The fire department has reviewed the proposal and they along with engineering do not have any immediate concerns at this time.*

**Mr. Day** asked Mr. Spriggs where in the Planned District Code are we on in terms of the steps?

**Mr. Spriggs** stated that we are in a cross section of steps 2 and 3, which include the application submittal, on to the preliminary concept plan review which is submitted simultaneously before the Planning Commission. In the 3<sup>rd</sup> staff, once it goes to City Council, they will adopt an ordinance and the conceptual plan with covenants. It will then come back to the MAPC as a preliminary plan and the final development plan about a month later to determine if all the covenants are implemented and in place.

**Public Input:**

**Preston Williams**- Stated that he lives on the northern boundary and is not in opposition. We in the neighborhood are very pleased to have them as a future neighbor. Mr. Gibson and Mr. Pat Harcourt have gone out of the way to keep us informed, but I have a couple concerns to express.

*First: this facility will have some level of crime in the parking lot. Crime is vastly growing in the United States. Wal-Mart has upgraded security cameras in their parking lot. He added that he has not discussed this with Mr. Pat Harcourt. The crime in these areas are serious assaults and murder crimes and are not just carjackings and purse snatching. We have not looked at the tree plan nor the grading plan in great detail, but we would like to see a physical fence along the north property line and the parking lot; and would like the highway department to look at noise abatement. People living along that stretch of Highway 49 equals that of people living along Hwy. 63 at those same time intervals during rush hour.*

*The highway is 2000 ft. from where we live, but now we will open this facility with an estimated traffic flow of 2500 cars per day next to our house. As it expands we can have thousands of cars in that area each day, and we think the highway department needs to look and take measurements on the impact, for building that facility to see what noise abatement needs to be done. We also have a concern about having the fence because of the animal problem which we love: we have deer along the northern property line, about 1500 ft. of the property line. We get about 25 deer a day walking through that area; we planted wheat to attract them; after they leave our yard they go to that northern part for an enjoying afternoon. We would like to help keep them out of the construction site, so*

*they won't be destroyed. Mr. Harcourt and Mr. Gibson have done a lot for us in this area.*

**Rick Panneck**, property owner to the West. *One of the comments is that of possible uses such as hotels. Is there any way we can make a stipulation where that is not possible with this rezoning. I would like to make it a stipulation not to have hotels. I personally find it disconcerting to have a hotel to the back of my property.*

**Mr. Spriggs** stated that we can have the applicant addressed that. *This is typical for a lot of hospital campuses, for out of town family members.*

**Mr. Pat Harcourt** stated that he is not sure that the hospital would really need the hotel and it has not been in the discussion at this time. *We just leave the options open in the allowable uses for the unforeseeable future; if it did occur, it will not be a luxury hotel, but one for long-term illnesses or hospice; I don't see this campus going there right now.*

*He added that we don't see our group having that on the planning table at this time. As for as the other comments; Security- they have their own security force 24/7 with a camera system throughout the campus patrolling, and a very good security plan. We have not had a lot of instances in the Memphis and Southaven campuses.*

*Noise abatement- we are doing things on the campus that will help abate noise from the property. He presented the grading plan which has been modified. He showed the grading in the northern area showing 10-15% difference in grading with a berm.*

*We have revised our grading and lower the site about 2 feet from this grading plan to get dirt balance. You can see the tree plantings on the other plan. We are down to a 291' elevation for the hospital, for the finish floor. There is a 10 to 12 ft. berm in that area with perimeter landscaping that will help with noise abatement. I am not sure what the highway department will do. The building is massive and will abate some of the noise coming in.*

*The trees will take a few years to grow from planting. I will verify for the next meeting to get some assurance from the hospital group on the security plan. They are very diligent and safety/security conscious. I invite of you to come to Southaven Mississippi or Collierville to look at the type of facility you will get.*

**Mr. Spriggs** asked: *In the covenants you mentioned or addressed the issue of fencing and that question was raised. Do you have an issue where it abuts residential tracts that are being utilized to provide any type of fencing?*

**Mr. Pat Harcourt:** *We prefer not to fence the entire property. There are fences existing for cattle all along the perimeter here. We would leave them in place. We will put in landscaping and so forth. The entire property is fenced in except the road frontage, and there is some cross-fencing that will go. We would not like to spend money on fencing; but where there is a need we will leave those fences in.*

*A couple of your other comments you made earlier, I would like to object to. The side walks along Hwy. 49N; none of the other sites across street have them. We will have detention basins in front to meet the stormwater ordinance; we are not sure we want people walking around the steep detention basins; would like to meet with staff and if it is a deal breaker, and we will put them in. The new conceptual plan shows a walking trail that runs the perimeter.*

***Mr. Day** asked that in terms of the fencing and details of the sidewalks, are those items that we really need to set in stone at this point?*

***Mr. Spriggs** suggested that we stick to the generalities, and just as long as they are covered in the covenants. Those will be addressed by Council, because Council will be making the ultimate decision.*

***Mr. Day** suggested that we put that as discussion item as a part of our motion to discuss and be reviewed by the Planning Commission.*

***Mr. Pat Harcourt** stated that your PD system or avenue is different than we are use to. The PD sets the requirements and all the private roads are maintained privately. We essentially have several businesses on one lot. We would like to keep it private. It is a simple thing to get public road frontage on all these lots. It is a simple fix if you want, we want the capability of placing buildings in the future areas for some smaller physician buildings.*

***Mr. Spriggs** stated that was our understanding. If you are amenable to making it all one tract you can place more than one building on one lot. MAPC is clear on the one lot to have the zero lot line provision.*

***Mr. Day** opened the floor for a recommendation for the preliminary PUD to the City Council.*

***Mr. Day** stated that traffic issues seem to have been met appropriately. **Mr. Day** asked staff if at this time we need to deal with the time-frame schedule for the development?*

***Mr. Spriggs** stated that staff recommended that a phasing plan be presented. Those details can be dealt with when it comes back to the Commission.*

***Mr. Pat Harcourt:** once we get approval, everything you see such as parking, roads, buildings, and landscaping is going immediately. The only phasing plan to be would be if we add another building. Everything you see now is what is going immediately.*

*In your presentation did you include your items of the sidewalks and fence, **Mr. Day** asked. **Mr. Spriggs** stated that he will go back and edit the comments to say that those items are to be reviewed and determined later by the MAPC.*

***Mr. Tomlinson** asked have we addressed the Highway department on the deceleration lanes?*

*Mr. Pat Harcourt stated that they have had several conversations with the State Hwy. Dept. The State Highway Department does not require excel or deceleration lanes. We are showing them now because we thought it would improve the traffic flow; but we may end up having to take those out. We will get with Craig Light on that.*

*Sometimes we are not all on the same page. They have jurisdiction on that (Hwy. Dept.). We will have to strike a some medium cord on that. We would like to do it on a small scale; the State says if you put them in, you have to put them pass the property and we can't do that. I thought I had taken those off.*

*Mr. Spriggs stated that the Hwy. Dept. does have jurisdiction on the deceleration lanes. Where we have come up short is where the Planning Commission had an opportunity to address certain improvements while the Highway Department has jurisdiction; MAPC does have the liberty to make recommendation to Council when considering Planned Districts like this one to address those issues. This is an opportunity for us to work cooperatively with all parties involved, because the State will not say you have to do this, but sometimes it may be an instance where it will work better for that area. With the new master street plan, with City engineering and planning departments can work together to address the issues.*

*Mr. Day stated that when it comes back we can address it in greater detail, because it is in the plan and we can deal with that later.*

*Mr. Tomlinson asked will the interior drives carry the traffic; What is the width of the avenues?*

*Mr. Pat Harcourt stated that they will be 31 ft. wide, back to back of curb. They are wider lanes than normal to handle it. There will be speed limit signs, typically 15 to 20 miles limit in there with speed bumps, breakers, and traffic calming things that go in to slow people down.*

*Motion was made by Lonnie Roberts to recommend approval of the rezoning from R-1 to PD-C (Planned District-Commercial) for this PUD with the attached conceptual plan and the attached covenants and conditions as read in the record. Motion 2<sup>nd</sup> by Tomlinson.*

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

## **Findings:**

### **General:**

The planned medical campus style, PD District will provide a vast amount of growth to the northeast sector of the community. The majority of the proposed development will lie within an existing C-3 General Commercial District, in which the developer could have implemented a more undesirable layout under the existing code standards without consideration for open space and environmental issues.



Engineering, Planning, Building and Fire Inspections' Staff have worked extensively with the project team to address numerous concerns from all parties.

**Phased Developments:**

The applicant has not stated if a “phased” development is desired. The phasing option, if chosen should be demonstrated during the preliminary development plan stage to the Planning Commission as allowed under the PD District code:

- *For phased developments, the Metropolitan Area Planning Commission and City Council may approve a phased final development plan schedule as part of the preliminary development plan approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.*

**Permitted Uses:**

*The developer has proposed the following uses as part of the PD-C:*

*Assisted Living Units, Hospital, Medical Outpatient Services, Independent Living Units, Nursing Units, Religious, philanthropic or educational institution; school, public or private; laboratories, Computer Data Center; Medical Research Facility, Private Cogeneration Utility Facility; Radio/TV antenna, tower, earth station greater than 35ft. in height; private ambulance service, Day Care, Doctor’s office/Medical Office building; Hotel/Motel; Office; Parking lot/garage; Free standing Pharmacy; Recreational facilities for employees; Surgery Center/Emergency Medical Facility; Wellness Services/Health-plex; Air Ambulance/helicopter Pad (subject to FAA approval).*

- *As each proposed use is phased into the development, each shall be subject to Final Approval by the MAPC.*

**Plat Approval Process:**

As mentioned above, the PD District allows for relaxation of the typical lot standards. However, the developer is proposing a 5- parcel minor plat as demonstrated on the conceptual plan. The applicant has expressed a desire to have a zero- lot- line for the attached Clinic Site (Parcel B) due to unique financing purposes. Staff will support such a request. However, Staff cautions the Planning Commission to evaluate Parcels A and C on the issue of lot frontage on a public street; all interior drives serving the development are identified as private drives.

- *Final plat shall be presented and approved by the Planning Commission as part of the Final Development Plan Process.*

**Conclusion:**

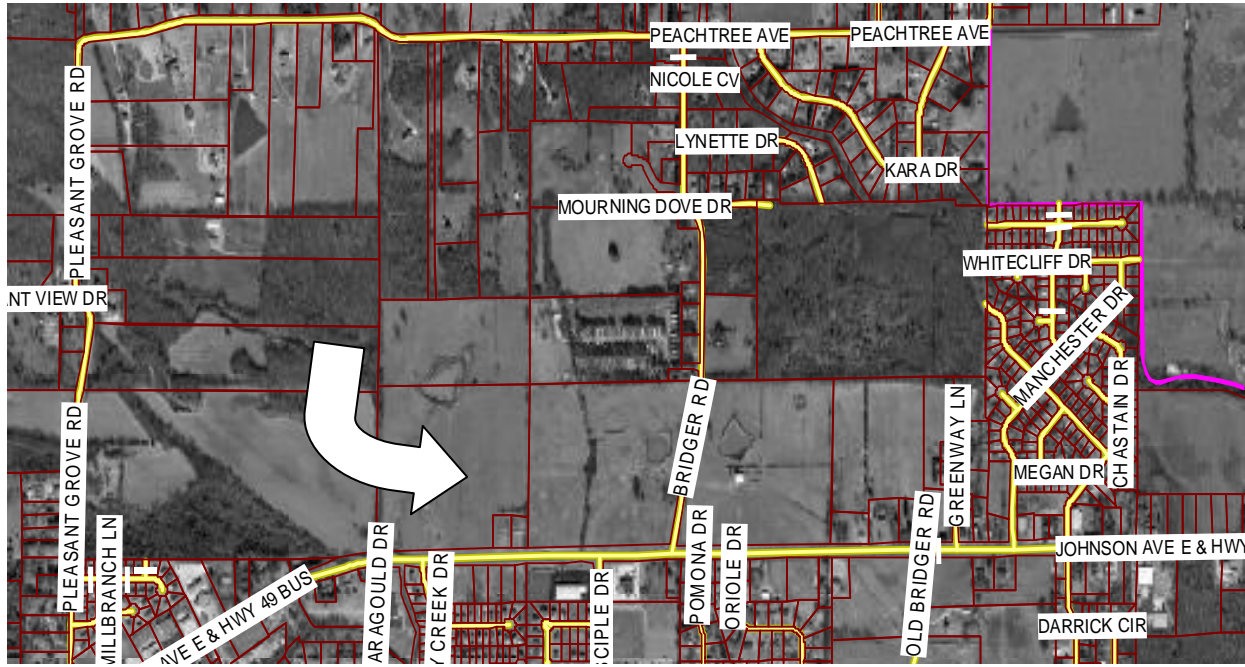
The MAPC and Planning Department staff finds that the requested zone change submitted by NEA Baptist Memorial Healthcare, Inc. should be evaluated based on the above observations and criteria in making recommendation to the City Council. In consideration of the petition to rezone property from R-1/C-3 to PD-C, Planned Commercial District, MAPC voted unanimously to approve the rezoning and the concept plan, subject to preliminary and final development plan review of the entire

development, contingent to compliance with the attached Development Criteria/Covenants. This planned development follows good land use design principles if all of the above concerns are addressed.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP  
Planning & Zoning Director

# Site Photographs



AERIAL MAP



View looking West Along Highway 49 N



View looking East Along Highway 49 N



View looking southwest on towards Hwy. 49 N from Project Site



View looking South towards from site



View looking South towards from site



View looking east from site towards Bridger Rd.



View looking North from Site



View looking West from Site



View looking East across from Site towards Bridger Rd.



View looking West across from site



View looking Northwest along Hwy. 49 N. towards site





View looking North towards site, along 49N from property across street.



View looking North towards site from property across street.

**NEA Memorial Health Planned Development District Criteria and Covenants:**

**Permissible Uses shall include:**

Assisted Living Units, Hospital, Medical Outpatient Services, Independent Living Units, Nursing Units, Religious, philanthropic or educational institution; school, public or private; laboratories, Computer Data Center; Medical Research Facility, Private Cogeneration Utility Facility; Radio/TV antenna, tower, earth station greater than 35ft. in height; private ambulance service, Day Care, Doctor's office/Medical Office building; Hotel/Motel; Office; Parking lot/garage; Free standing Pharmacy; Recreational facilities for employees; Surgery Center/Emergency Medical Facility; Wellness Services/Health-plex; Air Ambulance/helicopter Pad (subject to FAA approval).

A. Height Limits

1. Area A

- a. Area greater than 100 feet from a public right-of-way -165 feet maximum excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.

2. Area B

- a. Maximum height of 80 feet excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.

3. Area D

- a. Maximum height of 65 feet excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.

4. Area C

- a. Maximum height of 35 feet excluding mechanical enclosures occupying less than 1/3 of the roof area.

B. Floor Area Ratio

1. Area A

- a. The total FAR of all buildings within this area shall not exceed 0.75.

2. Area B

- a. The FAR of buildings within this area shall not exceed 0.75.

3. Area 0

- a. The total FAR of all buildings within this area shall not exceed 0.50.

4. Area C

- a. The total FAR of all building within this area shall not exceed 0.25.
- b. Floor Area Ratio shall not apply to residential uses, nursing homes, independent living facilities or assisted living facilities.

**III. OPEN SPACE REQUIREMENTS**

A. Common Open Space

- 1. Areas E and other locations labeled common open space shall be developed as common open spaces for the NEA Baptist Memorial Healthcare Development and used for

jogging and passive recreation uses such as sitting, scenic viewing or lunch breaks. The area of open space shall be 20% of the total acreage.

2. Common open space shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, signage and other recreational or landscaping amenities.
3. Common open space shall be maintained by the Property Owners Association pursuant to covenants or a maintenance agreement approved by the City Attorney.
4. A statement suitable to the Director of Planning shall be on each Final Plan stating that no Property Owners Association property shall be dedicated or deeded to the City of Jonesboro.

#### B. Individual Lot Open Space

1. Impervious Surface Area
  - a. Area A -No maximum impervious surface coverage established.
  - b. Area B -No maximum impervious surface coverage established.
  - c. Area D -85% maximum impervious surface cover.
  - d. Area C -85% maximum impervious cover.
2. Parking Lot Open Space Requirements
  - a. All parking lots shall contain a minimum of 7% open space not covered with impervious materials.

### **IV. ACCESS, PARKING, AND CIRCULATION**

#### A. Access to the Property

1. Three public access points shall be provided to the property from Highway 49 (East Johnson Road).

#### B. Access to Individual Lots

1. Access to individual lots shall be subject to the approval of the Metropolitan Area Planning Commission at Final Plan Review.
2. Access to private drive and streets
  - a. Access to private drive and streets shall be regulated by the owner of the private drive or street.

#### C. Public Right-of-Way Improvements

1. All proposed private roads shall be constructed in accordance to the engineering and design standards of the City of Jonesboro.
2. Modifications to existing roads to implement the proposed public street improvements of the Conceptual Development Plan shall be permitted and be subject to the requirements of the City of Jonesboro to close and/or modify a public street.

#### D. Private Drives and Street Improvements

1. Private Drives and Streets shall not be subject to the design standards and technical specifications of the City of Jonesboro.

E. Off-Street Parking and Loading Space Requirements

1. Off-street parking Area A
  - a. Hospital Parking. 0.4 spaces for each employee, plus one space for each 3 beds, plus one space for 5 daily outpatient treatments, plus one space for each 4 members of the medical staff and plus 3 spaces per 1000 square feet of floor area dedicated to medical office.
  - b. Non-Hospital Use -The number of spaces to be provided in accordance with the City of Jonesboro Code of Ordinance Sec. 14.36.01
2. Off-Street Parking Area C and Area D
  - a. The number of spaces to be provided in accordance with the City of Jonesboro Code of Ordinance Sec. 14.36.01.
3. Loading Space Requirements
  - a. Hospital Use -Three loading spaces required.
  - b. Retail and Institutional Use -One space required for each 10,000 square feet of floor area.
  - c. Office or Research Facility Use -One space required for buildings with more than 50,000 square feet of floor area.
  - d. Warehouse Use -One space required for each 20,000 square feet of floor

F. Circulation

1. Internal vehicular circulation between lots shall be provided between adjacent uses.
2. Delivery truck circulation shall be separated whenever feasible from automobile and pedestrian systems.
3. Sidewalks or paved pedestrian paths shall be provided between buildings and vehicular parking areas.
4. Final details of sidewalks and locations should be submitted during the Preliminary and Final Development Plan stages. Sidewalks are recommended by staff to be installed along the Highway 49 property frontage to promote future pedestrian connectivity and safety. *Sidewalk locations and details are to be given consideration during the preliminary and final development stages and reviewed by the MAPC.*

**V. LANDSCAPING, SCREENING AND BUFFERYARDS, AND LIGHTING**

A. Landscaping

1. All open-space areas of a lot shall be landscaped with grass, trees, shrubs, flowers, vines, groundcover plants and other organic plant materials.
2. All parking areas shall be landscaped with one 3" caliper tree required per 10 parking spaces.
3. All landscaping in roadway medians and public right-of-ways shall be maintained by the Property Owners Association.

B. Screening and Bufferyards

1. Landscape screen and transitional bufferyards shall only be provided between properties and lots within this Planned Unit Development and properties and lots outside of this PUD. No screening and bufferyards shall be required between uses within this PUD.
2. A detailed landscape plan shall submitted as part of the Preliminary and Final Development Plan stages.
3. All garbage collection areas, utility meters, transformers and other site utilitarian structures shall be screened with landscape materials or an approved architectural structure.

C. Site Lighting

1. Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings and in parking areas.
2. Lighting shall be directed downward or shielded to avoid hazards to drives or glare on abutting uses.
3. Maximum height of lighting standards above adjacent grade shall be 30 feet.
4. A detailed site lighting and photometrics plan shall submitted as part of the Preliminary and Final Development Plan stages.

**VI. SIGNS**

A. Permitted Signs

- *A detailed signage plan shall be submitted as part of the Preliminary and Final Development Plan Process.*

1. Area A and Area B

- a. Ground Mounted Post Signs, Ground Mounted Directional Signs, Ground Mounted Business Identification Signs, Marquee Signs, Projecting Signs, Temporary Signs and Wall Signs shall be permitted.
- b. Signage shall be in accordance with Section 14.32.11 and 14.32.11.1 of the City of Jonesboro Municipal Code.
- c. Traffic directional, street signs and regulatory signs shall be permitted as regulated by the City of Jonesboro and the Manual of Traffic Control Devices (Millennium edition).

2. Area C and Area D

- a. Ground Mounted Business Identifications Signs, Wall Signs and Temporary Signs shall be permitted.
- b. Signage shall be in accordance with Section 14.32.11 and 14.32.11.1 City of Jonesboro Municipal Code.

- c. Traffic directional, street signs and regulatory signs shall be permitted as regulated by the City of Jonesboro and the Manual of Traffic Control Devices (Millennium Edition).
- 3. The number and location of Ground Mounted Post Signs and Ground Mounted Directory Signs and Gateway signage shall be shown on the Final Development Plan.
- B. Prohibited Signs
  - 1. Awning Signs
  - 2. Bench Signs
  - 3. Portable Signs
  - 4. Signs identified in Sec. 14.32.11.6 of the City of Jonesboro Municipal Code (Prohibited Signs)
- C. Gateway Signage
  - 1. Gateway signage shall consist of three signs: one sign identifying the overall development, one sign identifying the NEA Baptist Memorial Healthcare Hospital and one sign identifying the Clinic.
    - a. The size of all three signs shall not exceed 150 square feet each.
    - b. The location of the signage shall be as shown on the Final Development Plan and not interfere with the Sight Triangle.
    - c. The height of the signage shall not exceed 35 feet in height.
- D. Monument Signs
  - 1. Two monument signs are permitted on Highway 49/East Johnson Road (Refer to approximate locations on Final Development Plan).
  - 2. The monument signs on Highway 49 /East Johnson Road shall identify the development, the NEA Baptist Memorial Hospital and significant users.
  - 3. A monument sign shall not exceed 150 square feet.
  - 4. A monument sign shall not exceed 35 feet in height.

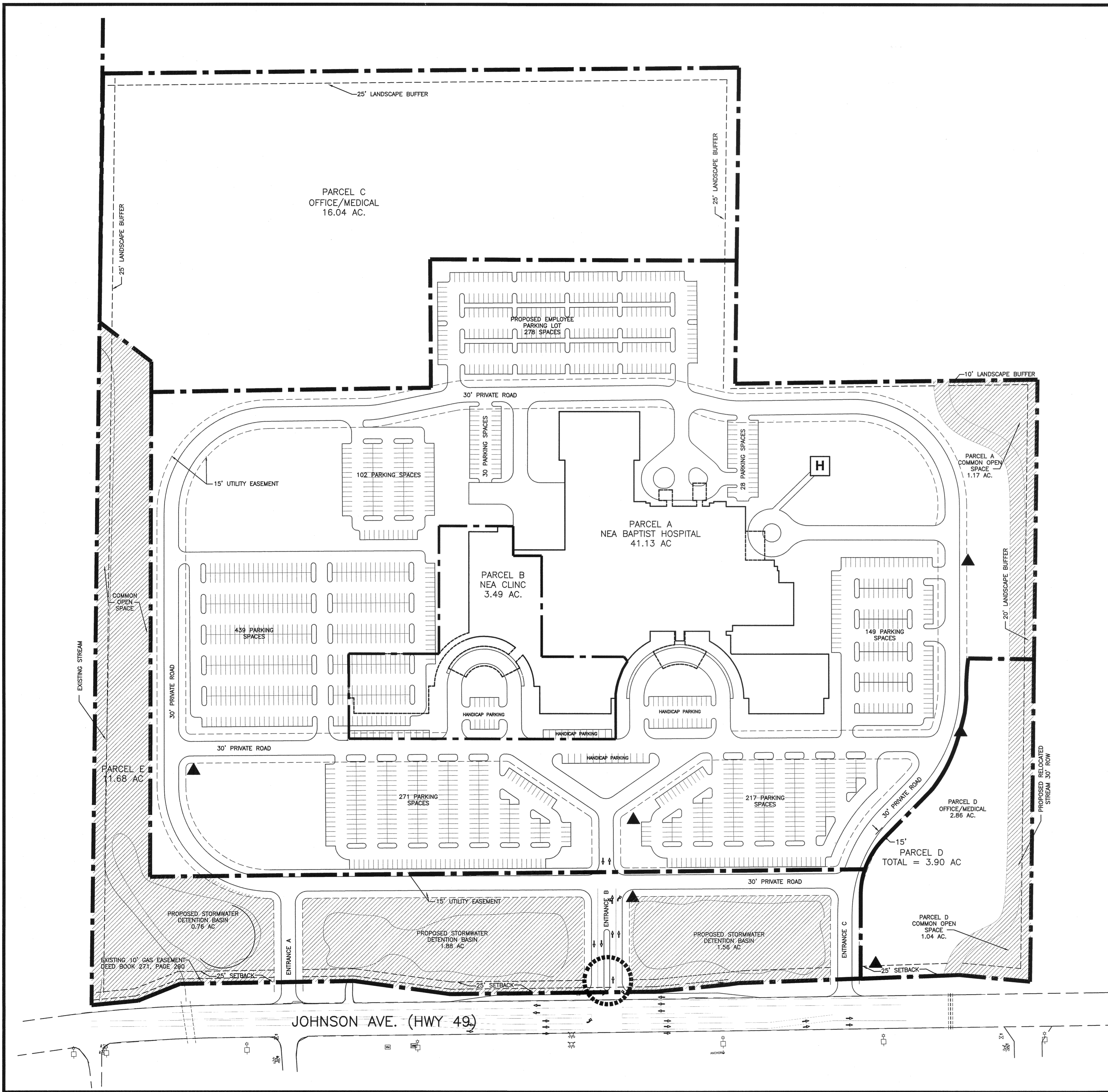
**VII. MISCELLANEOUS CONDITIONS**

- A. Outdoor Storage Areas shall not be permitted in the NEA Baptist Memorial Healthcare LLC. P.U.D.
- B. Underground Utility Lines shall not be required for electric, telephone, cable and other similar services. This requirement applies to internal primary and secondary service lines.
- C. Storm Drainage -A means of on-site drainage retention/detention shall be provided to control storm water run-off so that the surface waters will be properly disposed of without adversely affecting neighborhood properties through erosion, flooding and other drainage problems.
  - 1. Each lot owner prior to construction shall obtain the required and necessary permits from the federal and state government entities and the City of Jonesboro.

2. All drainage plans shall be designated in accordance with the policies and design criteria of the City of Jonesboro.
  
- D. The Proposed Open Spaces in this development shall be owned and maintained by a Property Owners Association. The POA shall be liable for the open spaces. If such maintenance is not performed adequately, the City of Jonesboro may, at their option, perform the necessary maintenance after serving the POA a five-day notice. The reasonable costs thereof shall be paid to the City and if not paid, such costs shall be assessed. The City is not bound by such alternative and if the POA fails to comply with the requirements that the common open spaces be maintained as required, the City may seek legal remedies.
  
- E. The applicant shall submit a Phasing Plan for any future phases as part of the Preliminary and Final Development Review and Approval Process.
  
- F. The Final Plat showing all easements and right of ways shall be presented and approved by the Planning Commission as part of the Final Development Plan Process.

#### **VIII. PROCEDURE CONDITIONS**

- A. Review and Approval of this Conceptual Development Plan shall be in accordance with the City of Jonesboro Code of Ordinances.
  
- B. The City of Jonesboro Planning Commission may make modifications at the request of the Developer to the Lot Development Standards, site access locations, vehicular or pedestrian circulation alignment, signage locations, landscaping requirements and other sign design issues, however, the Planning Commission may not increase the intensity or modify the uses permitted within this Planned Development without approval of the City of Jonesboro Mayor and Aldermen/City Council Members.

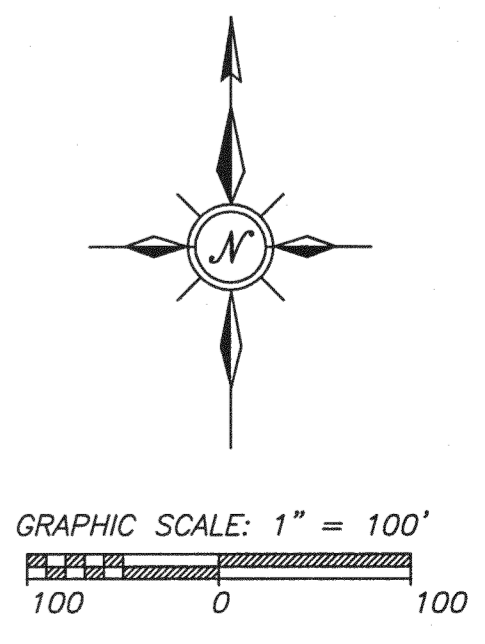


**SITE PLAN DATA:**

PARCEL	USE	ACREAGE
<b>A</b>	• HOSPITAL	39.96 AC (1,739,793 SF)
	• COMMON OPEN SPACE	1.17 AC (50,966 SF)
		<b>41.13 ACRES TOTAL</b>
<b>B</b>	• NEA CLINIC	3.49 AC (152,025 SF)
<b>C</b>	• OFFICE / MEDICAL	16.04 AC (698,706 SF)
<b>D</b>	• OFFICE / MEDICAL	2.86 AC (124,582 SF)
	• COMMON OPEN SPACE	1.04 AC (45,738 SF)
		<b>3.90 ACRES TOTAL</b>
<b>E</b>	• IMPERVIOUS SURFACE	1.55 AC (67,655 SF)
	• COMMON OPEN SPACE	10.13 AC (441,108 SF)
		<b>11.68 AC TOTAL</b>
<b>TOTAL</b>		<b>76.24 ACRES (3,321,028 SF)</b>

MINIMUM OPEN SPACE REQUIRED = 15%  
 PROVIDED COMMON OPEN SPACE = OVER 20%  
 BUILDING FOOTPRINT SQUARE FOOTAGE = 239,013 SF (5.487 AC)

**LEGEND:**



**A2H**  
 ASKEW HARGRAVES HARCOURT  
 AND ASSOCIATES, INC.  
 MEMPHIS, TN 38122-2404      BIRMINGHAM, AL 35226-2708  
 www.a2h.com

SEAL  
 STATE OF  
 ARKANSAS  
 REGISTERED  
 PROFESSIONAL  
 ENGINEER  
 No. 8336  
 HARCOCK  
 4/16/09

CONCEPTUAL DEVELOPMENT PLAN  
 NEA BAPTIST MEMORIAL  
 HEALTHCARE, LLC  
 JONESBORO, ARKANSAS

REVISIONS	
PROJECT NO.	08390
DATE:	APRIL 17, 2009
DRAWN:	CHECKED:
SHEET TITLE:	
CONCEPTUAL DEVELOPMENT PLAN	
SHEET NO.	
<b>CD2</b>	



Category/Area	A	B	C	D
<b>HOUSING</b>				
Boarding home for sheltered care				
<b>INSTITUTIONS</b>				
Assisted Living Units	•	•	•	•
Cemetery				
Hospital (with accessory uses such as cafeteria or restaurant, bank, gift shop, coffee shop, bakery, bookstore)	•	•	•	•
Medical Outpatient Services	•	•	•	•
Independent Living Units	•	•	•	•
Neighborhood Park, playground, recreational and community facilities and buildings of a noncommercial nature (public)				
Nursing Home	•	•	•	•
Religious, philanthropic or educational institution	•	•	•	•
School, public or private	•	•	•	•
<b>OFFICE USES</b>				
Laboratories	•	•	•	•
Commercial Laundry (No coin operated service or retail pick-up and drop-off)				
Computer Data Center	•	•	•	•
Medical Research Facility	•	•	•	•
Private Cogeneration Utility Facility	•	•	•	•
Radio/TV tower, antenna, earth station greater than 35 feet in height	•	•	•	•
Warehouse				
<b>RECREATION USES</b>				
Ambulance service, private	•	•	•	•
Art studio				
Bakery, retail				
Bank, financial services, savings and loan associations				
Beauty/Barber Shop				
Bookstore				
Carwash as an accessory to convenience store				
Convenience food store				
Day Care	•	•	•	•
Department or discount store				
Doctor's office - Medical Office Building	•	•	•	•
Hotel/Motel	•	•	•	•
Music/Dance academy				
Office	•	•	•	•
Parking, automobile parking lot or garage	•	•	•	•
Personal service establishment				
Pharmacy (Free standing)	•	•	•	•
Photo finishing				
Photo finishing pickup station				
Photography studio				
Print shop				
Printing and publishing establishments				
Recreation facilities for employees	•	•	•	•
Restaurants with indoor seating and without drive-in or drive-thru facilities				
Restaurants, carry-out, drive-in, or with drive-thru facilities				
Retail shop, sales and services				
Surgey Center/Emergency Medical Facility	•	•	•	•
Wellness Services/Healthplex	•	•	•	•
<b>TRANSPORTATION &amp; PUBLIC UTILITIES</b>				
Air Ambulance/Helicopter Pad (Subject to FAA approval)	•	•	•	•
Telephone service or switching center				
Utility substation				

**II. DEVELOPMENT STANDARDS**

- A. Height Limits
  - 1. Area A
    - a. Area greater than 100 feet from a public right-of-way - 165 feet maximum excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.
  - 2. Area B
    - a. Maximum height of 80 feet excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.
  - 3. Area D
    - a. Maximum height of 65 feet excluding elevator penthouses and mechanical enclosures occupying less than 1/3 of the roof area.
  - 4. Area C
    - a. Maximum height of 35 feet excluding mechanical enclosures occupying less than 1/3 of the roof area.
- B. Floor Area Ratio
  - 1. Area A
    - a. The total FAR of all buildings within this area shall not exceed 0.75.
  - 2. Area B
    - a. The FAR of buildings within this area shall not exceed 0.75.
  - 3. Area D
    - a. The total FAR of all buildings within this area shall not exceed 0.50.
  - 4. Area C
    - a. The total FAR of all building within this area shall not exceed 0.25.
    - b. Floor Area Ratio shall not apply to residential uses, nursing homes, independent living facilities or assisted living facilities.

**III. OPEN SPACE REQUIREMENTS**

- A. Common Open Space
  - 1. Areas E and other locations labeled common open space shall be developed as common open spaces for the NEA Baptist Memorial Healthcare Development and used for jogging and passive recreation uses such as sitting, scenic viewing or lunch breaks.
  - 2. Common open space shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, signage and other recreational or landscaping amenities.
  - 3. Common open space shall be maintained by the Property Owners Association pursuant to covenants or a maintenance agreement approved by the City Attorney.
  - 4. A statement suitable to the Director of Planning shall be on each Final Plan stating that no Property Owners Association property shall be dedicated or deeded to the City of Jonesboro.
- B. Individual Lot Open Space
  - 1. Impervious Surface Area
    - a. Area A - No maximum impervious surface coverage established.
    - b. Area B - No maximum impervious surface coverage established.
    - c. Area D - 85% maximum impervious surface cover.
    - d. Area C - 85% maximum impervious cover.
  - 2. Parking Lot Open Space Requirements
    - a. All parking lots shall contain a minimum of 7% open space not covered with impervious materials.

**IV. ACCESS, PARKING, AND CIRCULATION**

- A. Access to the Property
  - 1. Three public access points shall be provided to the property from Highway 49 (East Johnson Road).
- B. Access to Individual Lots
  - 1. Access to individual lots shall be subject to the approval of the Metropolitan Area Planning Commission at Final Plan Review.
  - 2. Access to private drive and streets
    - a. Access to private drive and streets shall be regulated by the owner of the private drive or street.
- C. Public Right-of-Way Improvements
  - 1. All proposed private roads shall be constructed in accordance to the engineering and design standards of the City of Jonesboro.
  - 2. Modifications to existing roads to implement the proposed public street improvements of the Conceptual Development Plan shall be permitted and be subject to the requirements of the City of Jonesboro to close and/or modify a public street.
- D. Private Drives and Street Improvements
  - 1. Private Drives and Streets shall not be subject to the design standards and technical specifications of the City of Jonesboro.
- E. Off-Street Parking and Loading Space Requirements
  - 1. Off-street parking Area A
    - a. Hospital Parking - 0.4 spaces for each employee, plus one space for each 3 beds, plus one space for 5 daily outpatient treatments, plus one space for each 4 members of the medical staff and plus 3 spaces per 1000 square feet of floor area dedicated to medical office.
    - b. Non-Hospital Use - The number of spaces to be provided in accordance with the City of Jonesboro Code of Ordinance Sec. 14.36.01
  - 2. Off-Street Parking Area C and Area D
    - a. The number of spaces to be provided in accordance with the City of Jonesboro Code of Ordinance Sec14.36.01.
  - 3. Loading Space Requirements
    - a. Hospital Use - Three loading spaces required.
    - b. Retail and Institutional Use - One space required for each 10,000 square feet of floor area.
    - c. Office or Research Facility Use - One space required for buildings with more than 50,000 square feet of floor area.
    - d. Warehouse Use - One space required for each 20,000 square feet of floor area.
- F. Circulation
  - 1. Internal vehicular circulation between lots shall be provided between adjacent uses.
  - 2. Delivery truck circulation shall be separated whenever feasible from automobile and pedestrian systems.
  - 3. Sidewalks or paved pedestrian paths shall be provided between buildings and vehicular parking areas.

**V. LANDSCAPING, SCREENING AND BUFFERYARDS, AND LIGHTING**

- A. Landscaping
  - 1. All open-space areas of a lot shall be landscaped with grass, trees, shrubs, flowers, vines, groundcover plants and other organic plant materials.
  - 2. All parking areas shall be landscaped with one 3" caliper tree required per 10 parking spaces.
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  - 3. Maximum height of lighting standards above adjacent grade shall be 30 feet.

**VI. SIGNS**

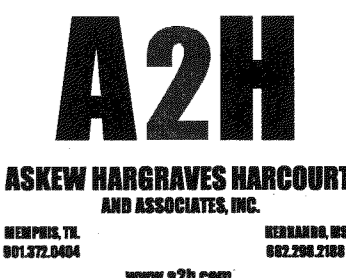
- A. Permitted Signs
  - 1. Area A and Area B
    - a. Ground Mounted Post Signs, Ground Mounted Directional Signs, Ground Mounted Business Identification Signs, Marquee Signs, Projecting Signs, Temporary Signs and Wall Signs shall be permitted.
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    - c. Traffic directional, street signs and regulatory signs shall be permitted as regulated by the City of Jonesboro and the Manual of Traffic Control Devices (Millennium edition).
  - 2. Area C and Area D
    - a. Ground Mounted Business Identifications Signs, Wall Signs and Temporary Signs shall be permitted.
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  - 1. Gateway signage shall consist of three signs: one sign identifying the overall development, one sign identifying the NEA Baptist Memorial Healthcare Hospital and one sign identifying the Clinic.
    - a. The size of all three signs shall not exceed 150 square feet each.
    - b. The location of the signage shall be as shown on the Final Development Plan and not interfere with the Sight Triangle.
    - c. The height of the signage shall not exceed 35 feet in height.
- D. Monument Signs
  - 1. Two monument signs are permitted on Highway 49/East Johnson Road (Refer to approximate locations on Final Development Plan).
  - 2. The monument signs on Highway 49/East Johnson Road shall identify the development, the NEA Baptist Memorial Hospital and significant users.
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  - 2. All drainage plans shall be designated in accordance with the policies and design criteria of the City of Jonesboro.
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**VIII. PROCEDURE CONDITIONS**

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- B. The City of Jonesboro Planning Commission may make modifications at the request of the Developer to the Lot Development Standards, site access locations, vehicular or pedestrian circulation alignment, signage locations, landscaping requirements and other sign design issues, however, the Planning Commission may not increase the intensity or modify the uses permitted within this Planned Development without approval of the City of Jonesboro Mayor and Aldermen/City Council Members.



CONCEPTUAL DEVELOPMENT PLAN  
 NEA BAPTIST MEMORIAL  
 HEALTHCARE, LLC  
 JONESBORO, ARKANSAS

REVISIONS

PROJECT NO. 08390

DATE: APRIL 17, 2009

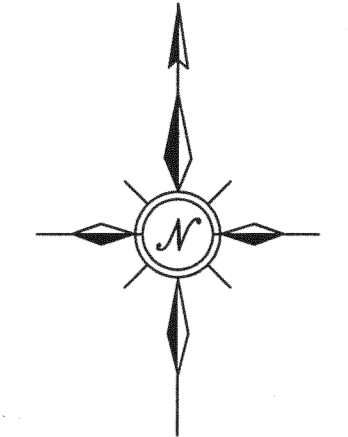
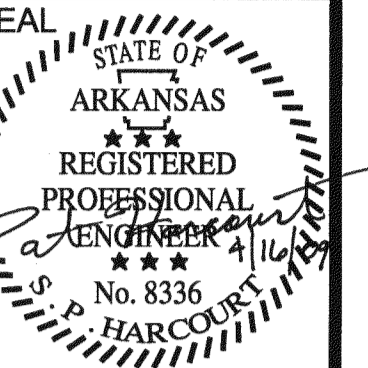
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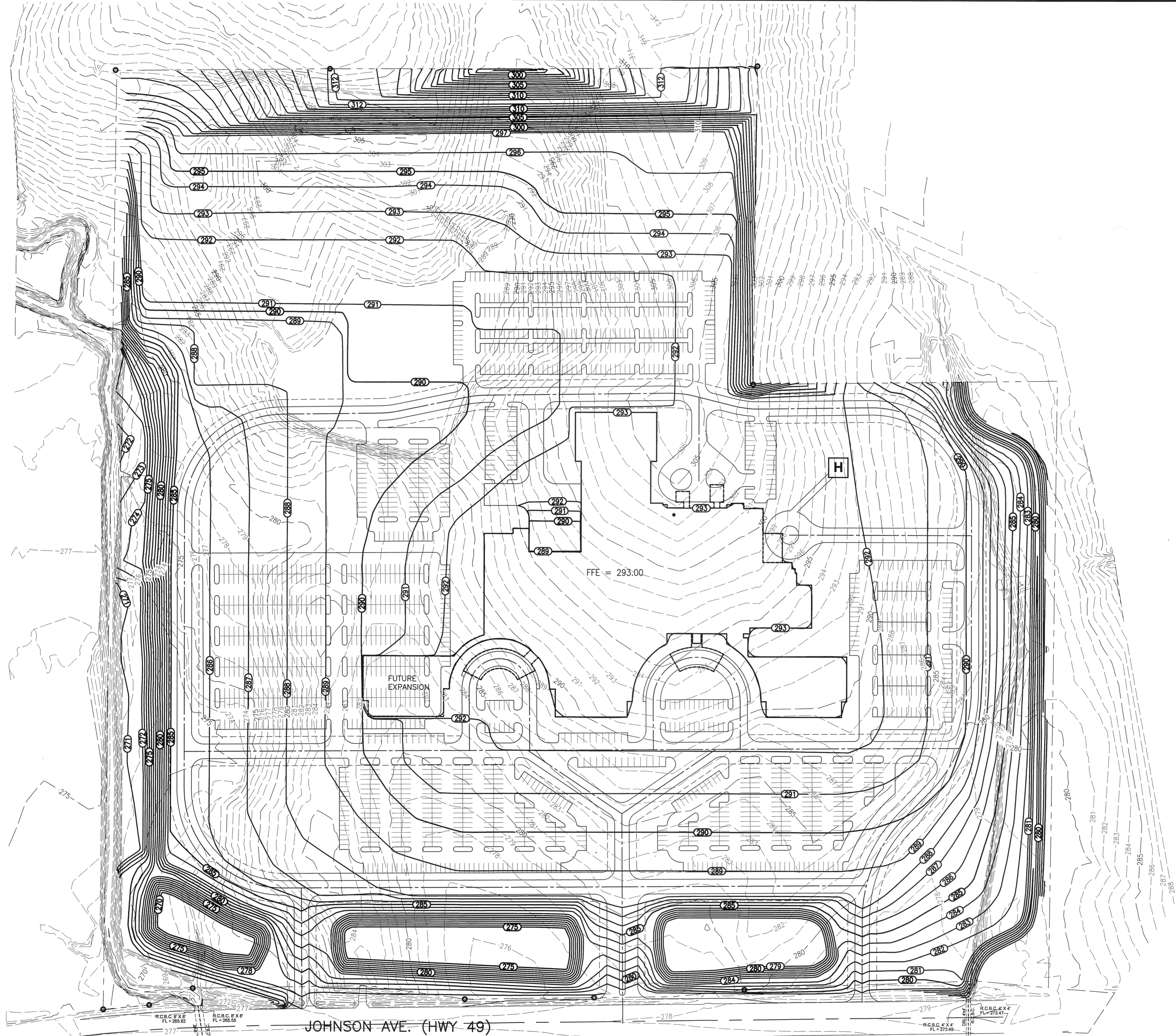
SHEET NO. CD3

**A2H**

ASKEW MARGRAVES HARCOURT  
AND ASSOCIATES, INC.  
MEMPHIS, TN 38120-0001  
BIRMINGHAM, AL 35203-1100  
WWW.A2H.COM



GRAPHIC SCALE: 1" = 100'  
100 0 100



**CONCEPTUAL DEVELOPMENT PLAN  
NEA BAPTIST MEMORIAL  
HEALTHCARE, LLC**  
JONESBORO, ARKANSAS

REVISIONS	

PROJECT NO.  
08390

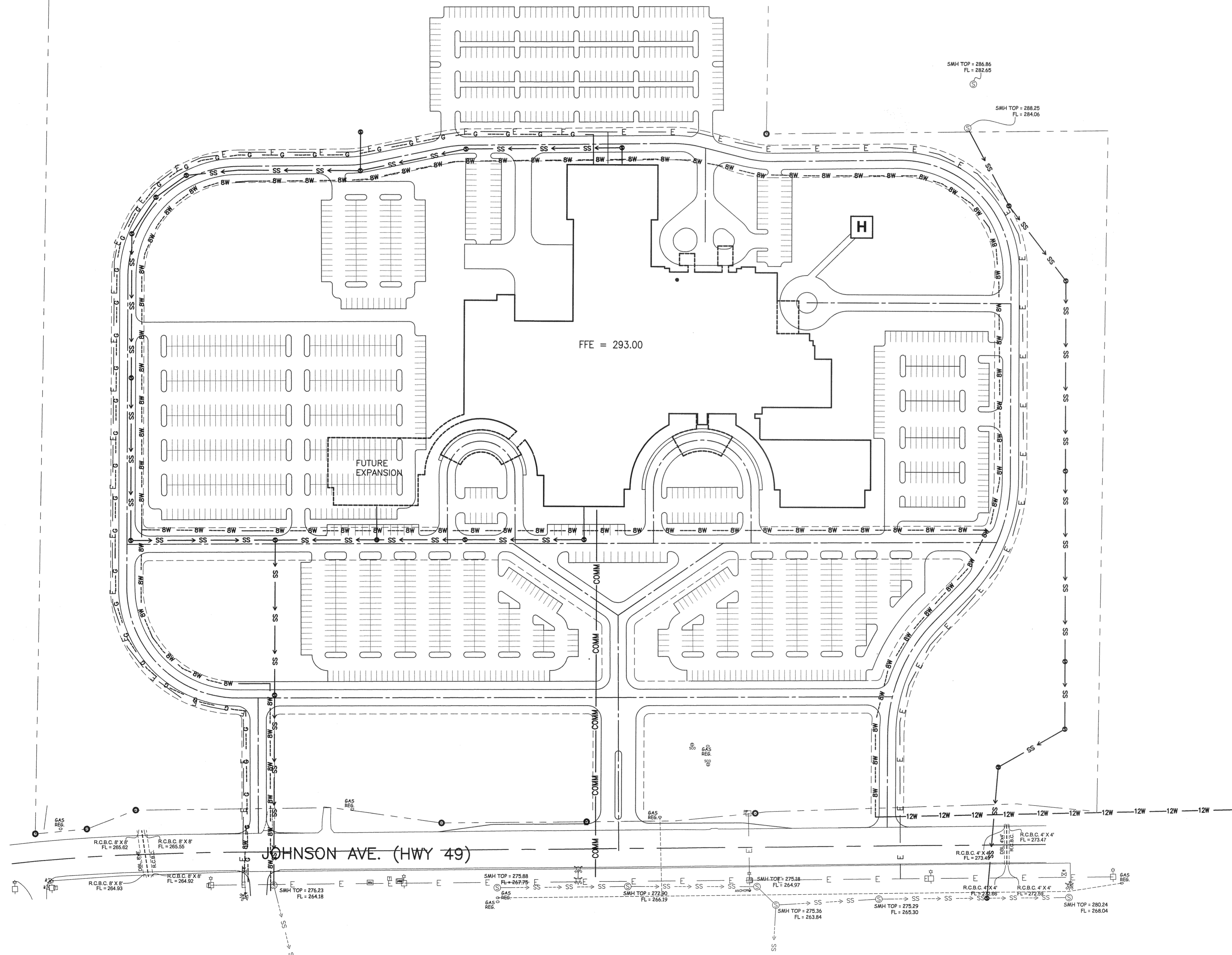
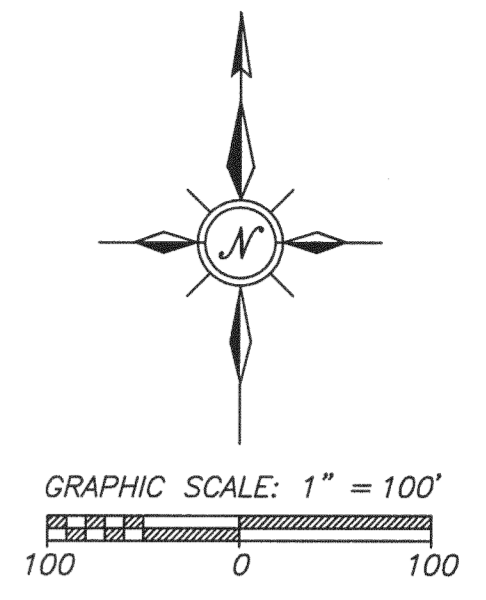
DATE:  
APRIL 17, 2009

DRAWN: SLH    CHECKED: SPH

SHEET TITLE:  
CONCEPTUAL  
GRADING  
PLAN

SHEET NO.

**CD4**



- LEGEND
- G --- G --- G --- PROPOSED GAS
  - BW --- BW --- BW --- PROPOSED 8" WATER
  - 12W --- 12W --- 12W --- PROPOSED 12" WATER
  - SS --- SS --- SS --- PROPOSED SEWER
  - COMM --- COMM --- COMM --- PROPOSED COMMUNICATIONS
  - E --- E --- E --- PROPOSED ELECTRIC

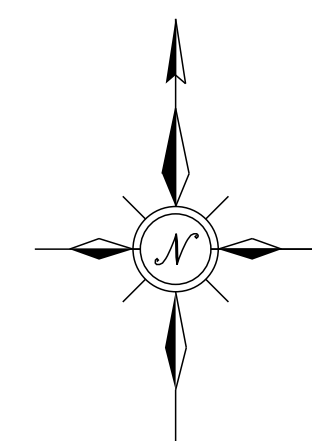
REVISIONS	

PROJECT NO. 08390	
DATE: APRIL 17, 2009	
DRAWN:	CHECKED:
SHEET TITLE: CONCEPTUAL UTILITY PLAN	
SHEET NO. <b>CD5</b>	

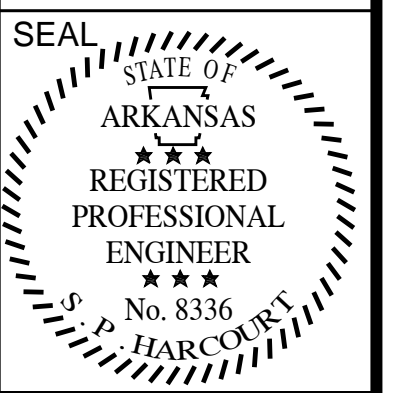


JOHNSON AVE (HWY. 49)



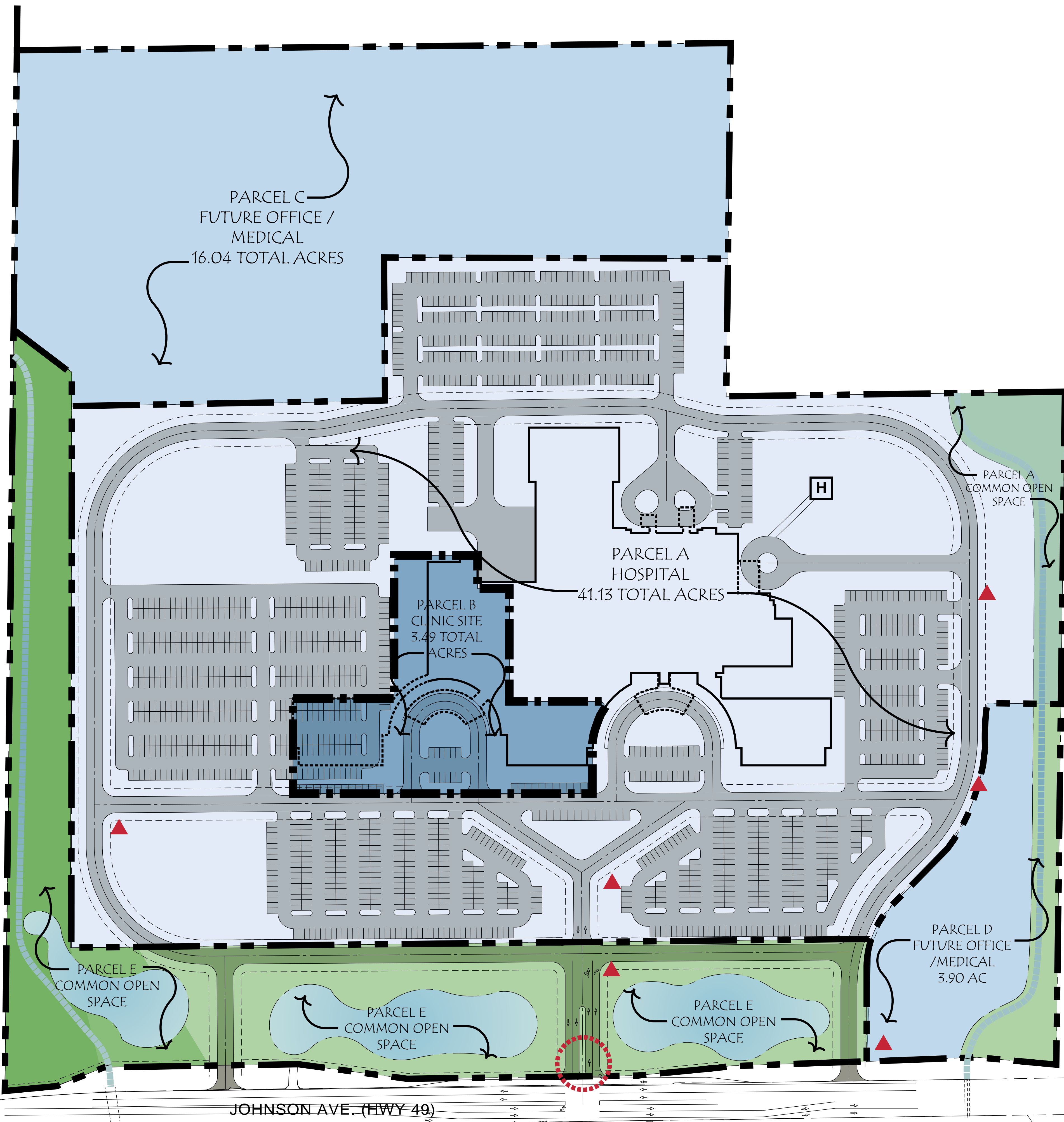
GRAPHIC SCALE: 1" = 100'  
100 0 100

**A2H**  
ASKEW HARGRAVES HARCOURT  
AND ASSOCIATES, INC.  
MEMPHIS, TN 38117-0001  
HOUSTON, TX 77060-0001  
www.a2h.com



CONCEPTUAL DEVELOPMENT PLAN  
NEA BAPTIST MEMORIAL  
HEALTHCARE, LLC  
JONESBORO, ARKANSAS

REVISIONS	
PROJECT NO.	08390
DATE:	APRIL 17, 2009
DRAWN:	CHECKED:
SHEET TITLE:	
CONCEPTUAL MASTERPLAN	
SHEET NO.	
<b>CMP</b>	



**SITE PLAN DATA:**

PARCEL	USE	ACREAGE
A	• HOSPITAL	39.96 AC (1,739,793 SF)
	• COMMON OPEN SPACE	1.17 AC (50,966 SF)
		41.13 ACRES TOTAL
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TOTAL		76.24 ACRES (3,321,028 SF)

MINIMUM OPEN SPACE REQUIRED = 15%  
 PROVIDED COMMON OPEN SPACE = OVER 20%  
 BUILDING FOOTPRINT SQUARE FOOTAGE = 239,013 SF (5.487 AC)

**LEGEND:**

- PARCELS
  - NEA PARCEL
  - DETENTION BASINS
  - RELOCATED STREAMS
  - GROUND MOUNTED POST SIGN
  - GROUND MOUNTED DIRECTORY SIGN
  - GATEWAY SIGN
- 
- HOSPITAL (AREA A)
  - NEA (AREA B)
  - OFFICE (AREA C & D)
  - COMMON OPEN SPACE (AREA E)

**A2H**  
 ASKEW HARGRAVES HARCOURT  
 AND ASSOCIATES, INC.  
 MEMPHIS, TN 38103-0804    HERNDON, VA 22042-7010  
 www.a2h.com

SEAL  
 STATE OF ARKANSAS  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 8336  
 S. P. HARGRAVE

CONCEPTUAL DEVELOPMENT PLAN  
 NEA BAPTIST MEMORIAL HEALTHCARE, LLC  
 JONESBORO, ARKANSAS

REVISIONS

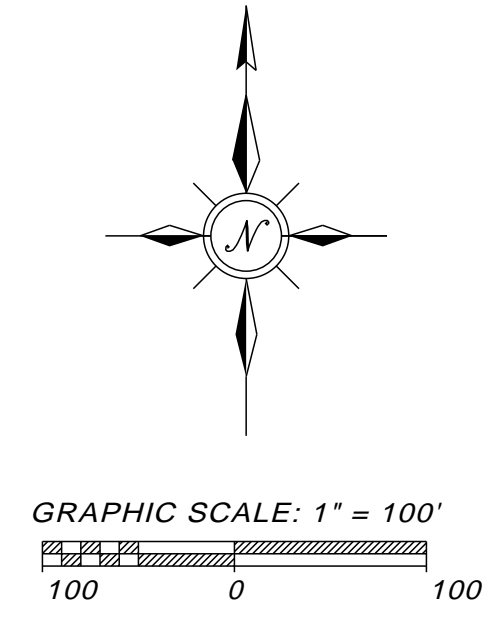
NO.	DATE	DESCRIPTION

PROJECT NO. 08390  
 DATE: APRIL 17, 2009  
 DRAWN:    CHECKED:   

SHEET TITLE:  
 CONCEPTUAL SITE PLAN

SHEET NO.

**CD1**





# City of Jonesboro

515 West Washington  
Jonesboro, AR 72401

## Text File

File Number: COM-09:056

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**Introduced:** 5/8/2009

**Version:** 1

**Current Status:** To Be Introduced

**Matter Type:** Other Communications

title

Jonesboro Airport Commission financial statements for the four months ended April 30, 2009,  
and 2008

**Jonesboro Airport Commission  
Financial Statements  
For the Four Months Ended April 30, 2009 and 2008**

Orr, Lamb & Fegtly, PLC  
PO Box 1796  
Jonesboro, AR 72403

May 7, 2009

Jonesboro Airport Commission  
Jonesboro, Arkansas

We have compiled the accompanying statement of assets, liabilities, and equity-modified cash basis of Jonesboro Airport Commission as of April 30, 2009, and the related statement of revenues and expenses-modified cash basis for the one month ended April 30, 2009 and 2008, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the modified cash basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Commission's assets, liabilities, equity, revenue and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Orr, Lamb & Fegtly, PLC  
Certified Public Accountants





**Jonesboro Airport Commission  
Statement of Assets, Liabilities, and Equity  
Modified Cash Basis  
April 30, 2009**

**ASSETS**

**CURRENT ASSETS**

Cash - Liberty Bank	\$ 322,650.87	
CD - Liberty Bank	1,164.33	
Cash-Liberty Bank-Project Acct	<u>2,375.54</u>	
<b>Total Current Assets</b>		<b>\$ 326,190.74</b>

**PROPERTY AND EQUIPMENT**

Plant Investments	<u>\$ 374.10</u>	
<b>Net Property and Equipment</b>		<b>374.10</b>

**OTHER ASSETS**

Rice Growers Stock	<u>\$ 928.25</u>	
<b>Total Other Assets</b>		<b><u>928.25</u></b>

<b>TOTAL ASSETS</b>		<b><u><u>\$ 327,493.09</u></u></b>
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See accountants' compilation report.

**Jonesboro Airport Commission  
Statement of Assets, Liabilities, and Equity  
Modified Cash Basis  
April 30, 2009**

**LIABILITIES AND EQUITY**

**CURRENT LIABILITIES**

Fica Taxes Payable	\$ 1,419.97
FWH Taxes Payable	44.94
SWH Taxes Payable	149.74
State Unemployment Payable	<u>14.82</u>

**Total Current Liabilities** \$ 1,629.47

**EQUITY**

Beg Retained Earnings	\$ 242,921.69
YTD Net Income(Loss)	<u>82,941.93</u>

**Total Equity** 325,863.62

**TOTAL LIABILITIES & EQUITY** \$ 327,493.09

See accountants' compilation report.

**Jonesboro Airport Commission**  
**Statement of Revenues & Expenses-Modified Cash Basis**  
**For the 1 Month and 4 Months Ended April 30, 2009 and 2008**

	1 Month Ended		1 Month Ended		4 Months Ended		4 Months Ended	
	<u>April 30, 2009</u>	%	<u>April 30, 2008</u>	%	<u>April 30, 2009</u>	%	<u>April 30, 2008</u>	%
<b>Revenues</b>								
Grant Revenue-City of Jonesboro	\$ 0.00	0.00	\$ 0.00	0.00	\$ 70,000.00	29.53	\$ 0.00	0.00
Grant Revenue-Federal & State	1,100.00	6.94	0.00	0.00	106,952.80	45.12	0.00	0.00
Hanger Revenue - FBO	6,332.68	39.96	6,332.68	36.46	25,330.72	10.69	25,300.72	38.14
Revenue-Sharp Aviation	2,000.00	12.62	2,000.00	11.51	8,000.00	3.37	8,000.00	12.06
Revenue-Gate Card Fees	40.00	0.25	0.00	0.00	1,200.00	0.51	0.00	0.00
Revenue-Picture Display Fees	400.00	2.52	0.00	0.00	2,196.00	0.93	0.00	0.00
T Hanger Leases	2,000.00	12.62	2,000.00	11.51	8,000.00	3.37	8,000.00	12.06
Fuel Flowage	1,867.44	11.78	3,100.80	17.85	8,677.92	3.66	10,500.48	15.83
Terminal Building Leases-MESA	0.00	0.00	600.00	3.45	0.00	0.00	4,789.92	7.22
Terminal Building Leases-TSA	0.00	0.00	2,310.71	13.30	0.00	0.00	4,400.00	6.63
ASU Lease	1,250.00	7.89	1,000.00	5.76	4,750.00	2.00	4,000.00	6.03
Other Income	858.78	5.42	25.00	0.14	1,933.78	0.82	1,340.00	2.02
<b>Total Revenues</b>	<u>15,848.90</u>	<u>100.00</u>	<u>17,369.19</u>	<u>100.00</u>	<u>237,041.22</u>	<u>100.00</u>	<u>66,331.12</u>	<u>100.00</u>
<b>Cost of Revenues</b>								
Grant Project Expenditures	756.90	4.78	0.00	0.00	77,294.40	32.61	0.00	0.00
Grounds	2,689.58	16.97	1,609.96	9.27	10,515.43	4.44	6,327.15	9.54
Hanger Expense-FBO	0.00	0.00	2,236.43	12.88	4,709.41	1.99	5,051.28	7.62
T-Hanger Expense	0.00	0.00	0.00	0.00	1,841.02	0.78	0.00	0.00
Terminal Building Expense-Mesa/TSA	237.60	1.50	848.60	4.89	1,461.78	0.62	3,987.91	6.01
Terminal Building Expense-ASU	0.00	0.00	1,606.76	9.25	344.74	0.15	1,910.42	2.88
Flight Service Station	0.00	0.00	650.16	3.74	0.00	0.00	3,081.10	4.65
Fire Rescue Building Expense	0.00	0.00	398.92	2.30	369.36	0.16	1,289.31	1.94
Sharp Aviation Expense	725.73	4.58	0.00	0.00	1,466.07	0.62	359.31	0.54
Old Terminal Bldg - CAP	0.00	0.00	0.00	0.00	12.10	0.01	0.00	0.00
Beacon & Field Lights	0.00	0.00	0.00	0.00	0.00	0.00	406.98	0.61
<b>Total Cost of Revenues</b>	<u>4,409.81</u>	<u>27.82</u>	<u>7,350.83</u>	<u>42.32</u>	<u>98,014.31</u>	<u>41.35</u>	<u>22,413.46</u>	<u>33.79</u>
<b>Gross Profit</b>	<u>11,439.09</u>	<u>72.18</u>	<u>10,018.36</u>	<u>57.68</u>	<u>139,026.91</u>	<u>58.65</u>	<u>43,917.66</u>	<u>66.21</u>
<b>General &amp; Administrative Exp.</b>								
Advertising	0.00	0.00	0.00	0.00	0.00	0.00	62.50	0.09
Auto Expense	0.00	0.00	500.00	2.88	0.00	0.00	500.00	0.75
Depreciation	0.00	0.00	25,456.67	146.56	0.00	0.00	101,826.67	153.51
Dues/Subscriptions	125.00	0.79	0.00	0.00	125.00	0.05	0.00	0.00
Insurance	29,605.00	186.80	0.00	0.00	29,605.00	12.49	0.00	0.00
Insurance - Medical	445.61	2.81	413.51	2.38	1,782.44	0.75	2,426.84	3.66
Office Expense	0.00	0.00	0.00	0.00	1,279.11	0.54	19.67	0.03
Outside Services	202.78	1.28	340.00	1.96	352.78	0.15	340.00	0.51
Payroll Taxes	407.06	2.57	397.46	2.29	1,452.03	0.61	1,549.81	2.34
Postage	0.00	0.00	0.00	0.00	129.80	0.05	191.00	0.29
Repairs/Maintenance	199.64	1.26	0.00	0.00	199.64	0.08	0.00	0.00
Salaries - Philip Steed	3,691.42	23.29	3,000.00	17.27	14,765.68	6.23	13,500.00	20.35
Salaries - Other	1,649.50	10.41	720.00	4.15	3,316.00	1.40	2,426.00	3.66
Salaries-Fireman	0.00	0.00	1,306.00	7.52	169.00	0.07	4,879.59	7.36
Supplies	0.00	0.00	163.24	0.94	0.00	0.00	324.10	0.49
Telephone	353.55	2.23	307.85	1.77	1,475.77	0.62	1,489.07	2.24
Meetings/Travel	0.00	0.00	0.00	0.00	0.00	0.00	548.21	0.83

See accountants' compilation report.

**Jonesboro Airport Commission**  
**Statement of Revenues & Expenses-Modified Cash Basis**  
**For the 1 Month and 4 Months Ended April 30, 2009 and 2008**

	1 Month Ended <u>April 30, 2009</u>		1 Month Ended <u>April 30, 2008</u>		4 Months Ended <u>April 30, 2009</u>		4 Months Ended <u>April 30, 2008</u>	
		%		%		%		%
Utilities	135.45	0.85	127.51	0.73	539.56	0.23	563.99	0.85
Misc Expense	0.00	0.00	118.26	0.68	0.00	0.00	118.26	0.18
Legal & Accounting	625.00	3.94	475.00	2.73	2,365.00	1.00	2,947.69	4.44
<b>Total G &amp; A Expenses</b>	<u>37,440.01</u>	<u>236.23</u>	<u>33,325.50</u>	<u>191.87</u>	<u>57,556.81</u>	<u>24.28</u>	<u>133,713.40</u>	<u>201.58</u>
<b>Revenues from Operations</b>	<u>(26,000.92)</u>	<u>(164.06)</u>	<u>(23,307.14)</u>	<u>(134.19)</u>	<u>81,470.10</u>	<u>34.37</u>	<u>(89,795.74)</u>	<u>(135.3)</u>
<b>Other Revenue (Expenses)</b>								
Interest Income	434.01	2.74	312.42	1.80	1,471.83	0.62	945.27	1.43
<b>Total Other Revenue (Exp.)</b>	<u>434.01</u>	<u>2.74</u>	<u>312.42</u>	<u>1.80</u>	<u>1,471.83</u>	<u>0.62</u>	<u>945.27</u>	<u>1.43</u>
<b>Net Earnings</b>	<u>\$ (25,566.91)</u>	<u>(161.32)</u>	<u>\$ (22,994.72)</u>	<u>(132.39)</u>	<u>\$ 82,941.93</u>	<u>34.99</u>	<u>\$ (88,850.47)</u>	<u>(133.9)</u>

See accountants' compilation report.