



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, June 1, 2010

6:30 PM

Huntington Building

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

City Council Chambers, Huntington Building

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 6:15 P.M.

City Council Chambers, Huntington Building

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

COM-10:054 Presentation by City Clerk Donna Jackson regarding Legistar and Municode

Sponsors: City Clerk

COM-10:055 Presentation by Mrs. Sherry Beatty from the Foundation of Arts

Sponsors: Mayor's Office

5. CONSENT AGENDA

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

MIN-10:051 Minutes for the City Council meeting on May 18, 2010.

Attachments: [Minutes](#)

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-10:049 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 5930/5934 EAST HIGHLAND DRIVE AS REQUESTED BY CIVILOGIC, ELAM ENTERPRISES AND YATES LIVING TRUST

Attachments: [Plats](#)
[MAPC Report](#)

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-10:044 AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-2 LOW DENSITY MULTI-FAMILY TO C-3 GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1405 EAST WASHINGTON AS REQUESTED BY JONESBORO REAL ESTATE HOLDINGS

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

Legislative History

5/18/10 City Council Held at one reading

ORD-10:045 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR TIM REDDEN LOCATED AT 5701 JOHNSON AVE./HWY. 49N FROM R-1 TO C-3 L.U.O./GENERAL COMMERCIAL

Attachments: [Plat](#)
[MAPC Report](#)
[Property history](#)

Legislative History

5/18/10 City Council Held at one reading

ORDINANCES ON THIRD READING

ORD-10:036 AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; ALL PROCEEDS DERIVED FROM THE SALES AND USE TAX WILL BE FOR PROVIDING POLICE AND FIRE SERVICES.

Sponsors: Mayor's Office

Legislative History

4/27/10 Finance & Administration Council Committee Recommended to Council

5/4/10 City Council Held at one reading

5/18/10 City Council Held at second reading

ORD-10:037 AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF JONESBORO, ARKANSAS, ON THE QUESTION OF LEVYING A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; DEFINING THE TERM SINGLE TRANSACTION; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

Sponsors: Mayor's Office

EMERGENCY CLAUSE**Legislative History**

4/27/10	Finance & Administration Council Committee	Recommended to Council
5/4/10	City Council	Held at one reading
5/18/10	City Council	Held at second reading

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

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

11. ADJOURNMENT



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-10:054 **Version:** 1 **Name:**
Type: Other Communications **Status:** To Be Introduced
File created: 5/21/2010 **In control:** City Council
On agenda: **Final action:**
Title: Presentation by City Clerk Donna Jackson regarding Legistar and Municode
Sponsors: City Clerk
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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title

Presentation by City Clerk Donna Jackson regarding Legistar and Municode



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-10:055 **Version:** 1 **Name:**
Type: Other Communications **Status:** To Be Introduced
File created: 5/26/2010 **In control:** City Council
On agenda: **Final action:**
Title: Presentation by Mrs. Sherry Beatty from the Foundation of Arts
Sponsors: Mayor's Office
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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title

Presentation by Mrs. Sherry Beatty from the Foundation of Arts



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-10:051 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 5/24/2010 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on May 18, 2010.
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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title
Minutes for the City Council meeting on May 18, 2010.



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, May 18, 2010

6:30 PM

Huntington Building

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

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 9 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance and Rennell Woods

Absent 3 - Chris Moore; Chris Gibson and Mikel Fears

4. SPECIAL PRESENTATIONS

COM-10:052 Advertising and Promotions Committee presentation by Mr. Thom Beasley

Mr. Thom Beasley discussed the Advertising & Promotion Commission. He explained the 3% hotel tax goes towards the A&P. He further explained the funds are used for advertising and promotion of the City, as well as other duties concerning convention centers and tourist promotion facilities. He noted since the tax went up to 3% they have had more money, but have been cautious in case of future events they might have to help with at attract more tourists. He stated in 2006, when they were still collecting 1%, they collected \$122,729. He added in 2009 they collected \$375,000 to \$400,000, but with the economy being down this year there are fewer people occupying rooms and prices have decreased. Mr. Beasley stated for this fiscal year they had \$800,000 in requests, but only \$400,000 that they could fund.

Councilman Hargis questioned whether there was any resistance to the increased rate. Mr. Beasley answered no. He explained the hotel owners, the City and the A&P all wanted the tax increase. He noted Jonesboro has no hamburger tax, so the A&P can't do things like other cities, such as Hot Springs, who collect millions with a hamburger tax.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman John Street, seconded by Councilman

Mitch Johnson, to Approve the Consent Agenda.A motion was made that these files be approved by consent voice vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

MIN-10:044 Minutes for the City Council meeting on May 4, 2010.

This item was PASSED on the consent agenda.

RES-10:045 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM MICHAEL HAMILTON FOR THE MAINTENANCE OF DRAINAGE IMPROVEMENTS

Sponsors: Engineering

This item was PASSED on the consent agenda.

Enactment No: R-EN-044-2010

RES-10:046 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM STEVE STROUD FOR THE MAINTENANCE OF DRAINAGE IMPROVEMENTS

Sponsors: Engineering

This item was PASSED on the consent agenda.

Enactment No: R-EN-045-2010

RES-10:048 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE A CHANGE ORDER WITH CAMERON CONSTRUCTION COMPANY, INC. FOR NETTLETON AVENUE DRAINAGE IMPROVEMENTS - 2009:30

Sponsors: Engineering

This item was PASSED on the consent agenda.

Enactment No: R-EN-046-2010

RES-10:050 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 FOR SURVEY OF PIPE INVENTORY THROUGHOUT THE CITY OF JONESBORO - JOB NO. 100614

Sponsors: Engineering

This item was PASSED on the consent agenda.

Enactment No: R-EN-047-2010

RES-10:055 A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF JONESBORO TO UTILIZE FEDERAL AID MONEYS TO CONSTRUCT SECTION SIX OF PHASE I OF THE TURTLE CREEK GREENWAY

Sponsors: Parks & Recreation

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

Enactment No: R-EN-048-2010

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-10:028 AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR OF JONESBORO TO ENTER INTO A MOWING CONTRACT ALONG U.S. HIGHWAY 63.

Sponsors: Engineering

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

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

Councilwoman Williams motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.

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

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-020-2010

ORD-10:029 AN ORDINANCE TO AMEND SECTION 117-32 OF CHAPTER 117 OF THE JONESBORO CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS FOR THE PURPOSE OF CLARIFICATION ON THE PERMIT DRAWING REQUIREMENTS AS IT RELATES TO MULTI-FAMILY AND COMMERCIAL APPLICATIONS

Sponsors: Planning and Inspections

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

City Attorney Phillip Crego noted, before the first reading, that the ordinance as contained the Council member's packets showed the project cost to be \$75,000. He explained the way the ordinance will be read it will be for a project cost of \$100,000.

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

Councilman Johnson motioned, seconded by Councilman Frierson, to adopt the emergency clause. All voted aye.

A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-021-2010

ORD-10:030 AN ORDINANCE TO WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF TWO USED RENTAL RADAR RECORDER KITS

Sponsors: Engineering

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

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

Councilman Johnson motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.

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

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-022-2010

ORD-10:031 AN ORDINANCE ADOPTING THE CREATION OF THE TRANSPORTATION MANAGEMENT BOARD

Sponsors: Engineering

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

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

Councilman Johnson motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.

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

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-023-2010

ORD-10:039 AN ORDINANCE TO AMEND THE 2010 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD AN ADDITIONAL CODE ENFORCEMENT OFFICER TO THE INSPECTIONS DEPARTMENT

Sponsors: Community Development, Human Resources and Code Enforcement

Councilwoman Williams offered the ordinance for first reading by title only.

Councilwoman Williams motioned, seconded by Councilman Hargis, to suspend the

rules and waive second and third readings. All voted aye.

Councilman Street noted the salary for the position will be 100% funded by CDBG and will not be funded with City of Jonesboro monies. Mayor Perrin added they are looking to hire someone who is bilingual.

Councilwoman Williams motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-024-2010

ORD-10:040 AN ORDINANCE TO AMEND THE 2010 BUDGET OF THE CITY OF JONESBORO, ARKANSAS TO PROVIDE FOR ADDITIONAL COSTS OF UNEMPLOYMENT INSURANCE

Sponsors: Finance

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

Councilwoman Williams motioned, seconded by Councilman Harigs, to suspend the rules and waive second and third readings. All voted aye.

Councilwoman Williams motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-025-2010

ORD-10:041 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF MEDIAEDGE VIDEOCASTING SYSTEM FOR THE INFORMATION SYSTEMS DEPARTMENT

Sponsors: Information Systems

Mayor Perrin explained ORD-10:041, ORD-10:042 and ORD-10:043 are regarding state money Senator Paul Bookout was able to get for the City for training purposes and for Channel 24.

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

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

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

A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-026-2010

ORD-10:042

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF AUDIO RECORDING EQUIPMENT FOR THE INFORMATION SYSTEMS DEPARTMENT

Sponsors: Information Systems

Councilwoman Williams offered the ordinance for first reading by title only.

Councilwoman Williams motioned, seconded by Councilman Hargis, to suspend the rules and waive second and third readings. All voted aye.

Councilwoman Williams motioned, seconded by Councilman Frierson, to adopt the emergency clause. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-027-2010

ORD-10:043

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF VIDEO EQUIPMENT FOR THE INFORMATION SYSTEMS DEPARTMENT

Sponsors: Information Systems

Councilwoman Williams offered the ordinance for first reading by title only.

Councilwoman Williams motioned, seconded by Councilman Hargis, to suspend the rules and waive second and third readings. All voted aye.

Councilwoman Williams motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance and Rennell Woods

Absent: 3 - Chris Moore;Chris Gibson and Mikel Fears

Enactment No: O-EN-028-2010

ORD-10:044

AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE

KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-2 LOW DENSITY MULTI-FAMILY TO C-3 GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1405 EAST WASHINGTON AS REQUESTED BY JONESBORO REAL ESTATE HOLDINGS

Councilman Vance and Councilman Frierson abstained from discussion and voting due to their relationships with the company asking for the rezoning.

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

This ordinance was Held at one reading.

ORD-10:045

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR TIM REDDEN LOCATED AT 5701 JOHNSON AVE./HWY. 49N FROM R-1 TO C-3 L.U.O./GENERAL COMMERCIAL

Councilman Johnson offered the ordinance for first reading by title only.

This ordinance was Held at one reading.

RESOLUTIONS TO BE INTRODUCED

RES-10:037

A RESOLUTION TO condemn property at 304 N Rogers; property owner Charles E. Chamberlain, Jr.

Sponsors: Code Enforcement

No one spoke in opposition to this condemnation.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Charles Frierson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance and Rennell Woods

Absent: 3 - Chris Moore; Chris Gibson and Mikel Fears

Enactment No: R-EN-049-2010

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-10:036

AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; ALL PROCEEDS DERIVED FROM THE SALES AND USE TAX WILL BE FOR PROVIDING POLICE AND FIRE SERVICES.

Sponsors: Mayor's Office

Mayor Perrin asked for the third readings of ORD-10:036 and ORD-10:037 be held until the next meeting.

This ordinance was Held at second reading.

ORD-10:037

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF JONESBORO,

ARKANSAS, ON THE QUESTION OF LEVYING A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; DEFINING THE TERM SINGLE TRANSACTION; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

Sponsors: Mayor's Office

This ordinance was Held at second reading.

8. MAYOR'S REPORTS

Mayor Perrin gave the following report:

The second of the community meetings concerning the sales tax was held last night, Monday, May 17th. He noted they will have four more meetings in June held every Thursday night after the Council approves the sales tax ordinances. He noted information regarding the budget and the proposed sales tax is on the City's website.

He has been visiting with City Engineer Craig Light concerning the railroad contract. Mr. Light has been in contact with the regional manager for Burlington Northern. Mayor Perrin explained the City has constructed one spur and is working on another. He further explained after this contract comes up they will be visiting with the railroad company to see if they will absorb the expense of maintaining the spurs.

The City has been taking bids on several pieces of property. He will be taking that information back to the Building Facilities Committee and then on to the Council if any pieces of property can be sold. The bids should be in May 20th.

He visited with the legislative auditors via phone today. He anticipates the exit interview being held the second week of June. He will be requesting permission for Councilwoman Williams, who is chair of the Finance Committee, to attend that meeting.

COM-10:053

Legal report as given by City Attorney Phillip Crego to the City Council on May 18, 2010.

Sponsors: City Attorney's Office

City Attorney Crego discussed the King's Ranch lawsuit. He noted APERMA coverage is in place and they have filed an answer on the City's behalf. He explained a time schedule has been sent out regarding how the judge anticipates the lawsuit to progress.

He also discussed an email from Scott McGlasson from Linebarger Goggan Blair and Sampson concerning collection of delinquent fines. He stated the company is getting ready to send out the letters.

This item was Read.

9. CITY COUNCIL REPORTS

Councilman Street complimented Mayor Perrin and his staff for providing the citizens with the information regarding the proposed sales tax. He stated he thinks the administration has received additional support from citizens after reading the information.

10. PUBLIC COMMENTS

Mr. Larry Jackson, Parks & Recreation employee, stated he has attended both sales tax meeting and the information has been presented very well. He explained a citizen who was initially against the tax became in favor of it after hearing the information. Mr. Jackson stated if the citizens want their current level of support, then they need to pass the tax.

11. ADJOURNMENT

A motion was made by Councilman Darrel Dover, seconded by Councilman Rennell Woods, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 9 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance and Rennell Woods

Absent: 3 - Chris Moore; Chris Gibson and Mikel Fears

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: ORD-10:049 **Version:** 1 **Name:**
Type: Ordinance **Status:** First Reading
File created: 5/27/2010 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 5930/5934 EAST HIGHLAND DRIVE AS REQUESTED BY CIVIOLOGIC, ELAM ENTERPRISES AND YATES LIVING TRUST
Sponsors:
Indexes:
Code sections:
Attachments: [Plats](#)
[MAPC Report](#)

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

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 to C-3, the following described property:

Legal Description:

Part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 4 East, Craighead County, AR, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter, aforesaid; thence S89° 10'W, 420'; thence north, 102.1' to the Point of Beginning Proper; thence S83°20'W, 151'; thence north, 215.4'; thence N 89°10'E, 150'; thence south 200' to the Point of Beginning Proper, containing 0.72 acres.

AND

Part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 4 East, Craighead County, AR, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter aforesaid; thence S89° 10'W, 570.1'; thence north, 86.8' to the Point of Beginning Proper; thence S83°20'W, 150.6'; thence S89° 06'W, 0.4'; thence north 431.5'; thence N89°10'E, 300'; thence south 200.9'; thence S89°10'W, 150'; thence south 215.4' to the Point of Beginning Proper; containing 2.15 acres

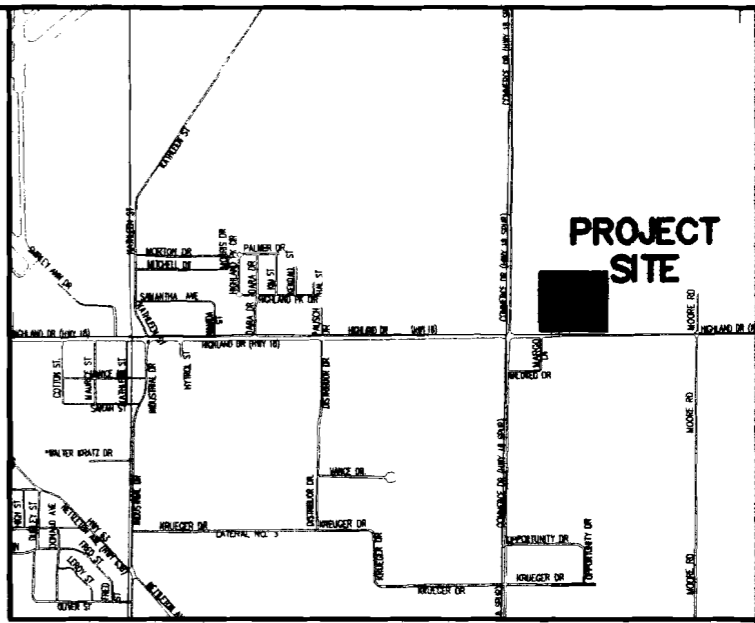
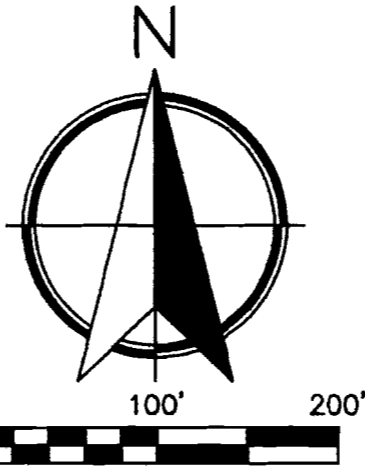
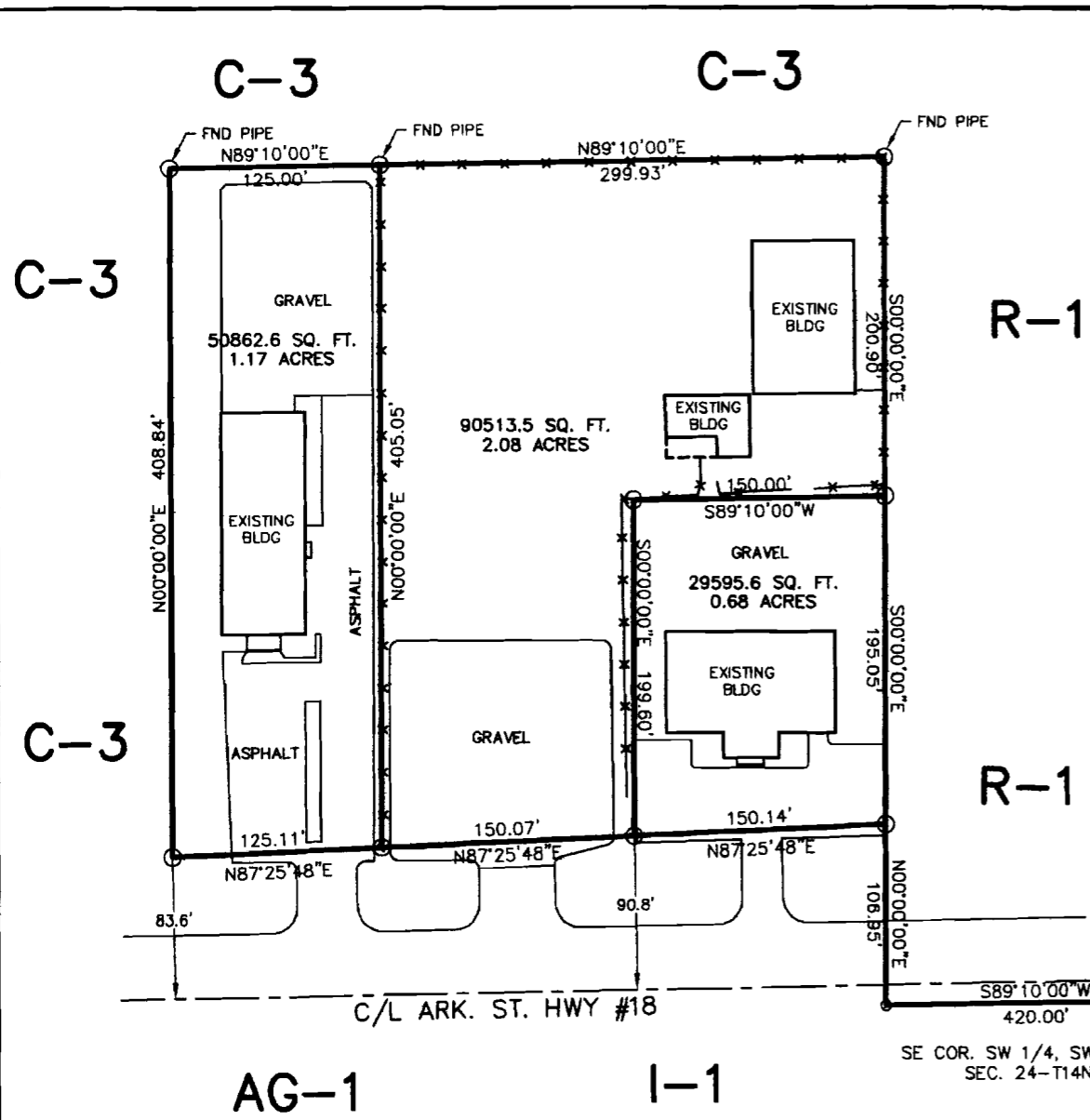
AND

Part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 4 East, Craighead County, AR, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter aforesaid; thence S89° 10'W; thence north, 71.5' to the Point of Beginning Proper; thence S89°06'W, 125.0'; thence north, 431.6'; thence N89°10'E, 125.0'; thence south, 431.5' to the Point of Beginning Proper, containing 1.24 acres.

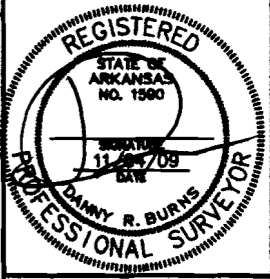
Section 2: The following stipulations were placed upon this rezoning request by the Metropolitan Area Planning Commission:

- A) That the final site plan and future proposed lot redevelopment shall be reviewed and approved by the MAPC prior to permit issuance. Such submittal shall include architectural and engineering drawings when applicable.
- B) That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
- C) Cross-access easements to the property east and west shall be incorporated.



**EXISTING R-1 ZONING
REQUESTED C-3 ZONING**

ENGINEERS		PLANNERS		SURVEYORS	
Civilogic					
203 Southwest Dr. - Jonesboro, AR - (870) 632-7880 - www.civilogic.net					
REZONING PLAT FOR JACK ELAM ELAM ENTERPRISES JONESBORO, ARKANSAS					
Date	Scale	Job No.	Sheet No.		
11/4/09	1"=100'	109136			
Section	Township	Range	County		
24	14N	04E	CRAIGHEAD	1 of 2	
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES					
© 2009, Civilogic Drawn By: RE, DB Checked by:					



LEGAL DESCRIPTION: (AS FURNISHED)

Part of the Southwest Quarter of the Southwest Quarter of Section 24, 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, aforesaid; thence South 89°10' West along the South line of said Southwest Quarter of the Southwest Quarter 420 feet; thence North 102.1 feet to the North right-of-way line of Highway 18, the point of beginning proper; thence South 83°20' West along said line 151 feet; thence North 215.4 feet; thence North 89°10' East 150 feet; thence South 200 feet to the point of beginning proper, and containing, 0.715 acres, more or less.

LEGAL DESCRIPTION: (AS FURNISHED)

Part of the Southwest Quarter of the Southwest Quarter of Section 24, 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, aforesaid; thence South 89°10' West along the South line of said Southwest Quarter of the Southwest Quarter 570.1 feet; thence North 86.8 feet to the North right-of-way line of Highway #18, the point of beginning proper; thence South 83°20' West along said right-of-way line 150.6 feet; thence South 89°06' West 0.4 feet; thence North 431.5 feet; thence North 89°10' East 300 feet; thence South 200.9 feet; thence South 89°10' West 150 feet; thence South 215.4 feet to the point of beginning proper, and containing 2.15 acres, more or less.

LEGAL DESCRIPTION: (AS FURNISHED)

Part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: Begin at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 4 East; thence South 89°10' West along the South line of the Southwest Quarter of the Southwest Quarter aforesaid 720.1 feet; thence North 71.5 feet to the North right-of-way line of Arkansas State Highway #18, the point of beginning proper; thence South 89°06' West along said North right-of-way line 125.0 feet; thence North 431.6 feet; thence North 89°10' East 125.0 feet; thence South 431.5 feet to the point of beginning proper, containing 1.24 acres.

CERTIFICATE OF SURVEY:

To all parties interested in Title to these premises: I hereby certify that I have prior to this day made a survey of the above described property as shown on the Plat of Survey hereon. The property lines and corner monuments, to the best of my knowledge and ability, are correctly established: the improvements are as shown on the Plat of Survey. Encroachments, if any, as disclosed by Survey, are shown hereon.

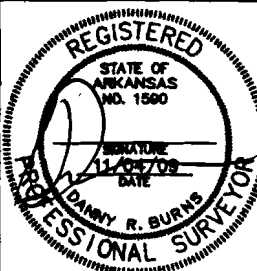

OWNER'S CERTIFICATION:

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

NOTES:

- 1) THIS SURVEY AND PLAT ARE THE PROPERTY OF THE SURVEYOR AND ARE INTENDED FOR THE SOLE USE AND BENEFIT OF THE SURVEYOR & CLIENT.
- 2) THIS SURVEY WAS COMPLETED USING A NIKON "A" SERIES AND HAS A CLOSURE PRECISION OF 1" IN 100,000', AND AN ANGULAR ERROR OF 00'00"00" PER ANGLE, AND WAS NOT ADJUSTED.
- 3) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1" IN 141,000'.
- 4) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES LEGAL DESCRIPTIONS PROVIDED.
- 5) ALL PINS SET ARE 1/2" REBAR, UNLESS NOTED OTHERWISE.
- 6) OWNERS: JACK ELAM
DAVID & ROBIN YATES
- 7) FLOOD PLAIN: THIS TRACT DOES LIE WITHIN THE 100-YR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP OF CRAIGHEAD CO., ARK. AND INCORPORATED AREAS, COMMUNITY PANEL NO. 05031C0151 C, DATED 09/27/91.
- 8) FURNISHED LEGAL DESCRIPTIONS WERE PRIOR TO ARKANSAS HIGHWAY & TRANSPORTATION DEPT. RIGHT-OF-WAY ACQUISITION PLANS FOR ARK. ST. HWY NO. 18.

ENGINEERS		PLANNERS		SURVEYORS	
Civilogic					
203 Southwest Dr. - Jonesboro, AR - (870)632-7680 - www.civilogic.net					
REZONING PLAT FOR JACK ELAM ELAM ENTERPRISES JONESBORO, ARKANSAS					
Date	Scale	Job No.	Sheet		
11/4/09	N.T.S.	109136	No.		
Section	Township	Range	County		
24	14N	04E	CRAIGHEAD	2 of 2	
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES					
© 2009, Civilogic		Drawn By: RE, DB		Checked by:	



*City of Jonesboro Council Council
Staff Report – RZ09-23 Elam/Yates
Huntington Building - 900 W. Monroe
For Consideration by Council on June 1, 2010*

REQUEST: A recommendation by MAPC to rezone property containing 3.93 acres more or less.

PURPOSE: To rezone a tract of land from R-1 to C-3 General Commercial.

**APPLICANT/
OWNER:** Civilogic
Elam Enterprises/Jack Elam
Yates Living Trust/David Yates

LOCATION: 5930/5934 E. Highland Dr.

**SITE
DESCRIPTION:** Tract Size: 3.93 Acres (170,972 sq. ft.)
Frontage: 425.32 ft of frontage along Highland Drive
Topography: Flat
Existing Dvlpmt: Commercial Structures, Auto/Trailer Sales
Nonconforming Use.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: C-3	General Commercial
	South: AG-1, I-1	Agriculture, Industrial
	East: C-3, I-1	General Commercial, Industrial
	West: C-3	General Commercial

HISTORY: Non-conforming businesses seeking compliance

ZONING ANALYSIS: City Planning Staff has reviewed the proposed development and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The 1996 Comprehensive Plan Future Land Use Map which is outdated shows the area recommended as. This area is currently being restudied by the Land Use Advisory Committee. The general area has been proposed as Commercial Node. The subject site is surrounded by land recommended for a Commercial Node and Planned Mixed Uses.

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.



Aerial Map/ Vicinity Map

Findings:

The subject site is located on Highland Dr. just northeast of Commerce Dr. The area is predominately commercial with residential adjacent from the site. The applicant has requested a C-3 Rezoning for the said property; this would allow any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

Any planned modifications should be detailed, submitted, and reviewed by the MAPC. The lighting plan should be required to demonstrate compliance with the zoning ordinance. This will allow for controls and assurance that will protect the abutting residential properties. This parcel is one of the last designated R-1 property fronting on this side of Highland Dr. in this area, and the C-3 zoning would be consistent with surrounding properties. Please note that any stipulations would necessitate a Limited Use Overlay.

In the application, the applicant has requested to rezone the property to bring the current use into Zoning compliance. Staff would like to point out to the Commission that the existing "U-Park/U-Sale" Lot does not meet compliance with the parking lot standards of the Zoning Code, nor has any past approvals been granted by the City on such use. Future demonstration of paving the parking sales lot should be later achieved before the MAPC.

MAPC RECORD OF PROCEEDINGS: Public Hearing- December 8, 2009

Applicant: George Hamman, Civilogic presented: The Elam Enterprises parcel is surrounded by 3 different tracts Zoned C-3 on 2 sides, Agriculture to the south, with Industrial to the south. The parcel due east is zoned R-1 Single Family, but is a freight terminal that has been out of operation for a year or two now. Elam Enterprises did not rezone after being annexed into the city and would like to bring the buildings into compliance. Mr. Elam was told that they would be brought in at the proper Zoning.

No Opponents were present.

Mr. Kelton asked if the C-3 Commercial was the minimum district allowing this use? Are we giving them the ability to expand the uses? Mr. Spriggs stated that they are not proposing any expanded uses. Mr. George Hamman concurred. Mr. Spriggs added that it was stated in the staff report that there is a park and sell lot to the west that is not in compliance.

Staff is recommending a change to C-3 L.U.O. General Commercial; requiring the lot to the west brought into compliance with Zoning. Any type of future construction would need to be reviewed and approved by the MAPC in the future, as a site plan review.

Mr. Tomlinson asked what could be placed on the property under the Limited Use Overlay? Mr. Spriggs stated that all of the uses under the C-3 General Commercial will be allowed; subject to MAPC approval .

Mr. Kelton asked if the prosthetics office building currently could go in a C-4 Commercial District. Mr. Spriggs stated that if Elam Enterprises has other storage and equipment contractor's enterprise components under the current business, it would be more of a C-3 or I-1 Industrial use. Mr. Hamman stated that Jack has a couple of storage buildings in the rear; he uses that for restoration.

Mr. Kelton added that in 1995/1996 we advertised for those that were annexed in 1987 to come in and sign up for Non-conforming use within a certain time period. Mr. Kelton added that the real issue was that the person would be allowed to come in, as a minimum zoning classification necessary to meet the preexisting use of the property. He is familiar with the area and don't have an issue with this. Someone that follows these folks would want the same treatment.

Motion was made by Mr. Tomlinson to recommend C-3, L.U.O. General Commercial to City Council with the recommended staff conditions. Motion was 2nd by Mr. Lonnie Roberts. **The Case was recommended approved with a 6 to 0 vote, unanimously.**

Conclusion

The MAPC and the Planning Staff have reviewed the request and feel that all issues regarding impacts on the surrounding area have been considered. MAPC recommends approval to City Council for a change from R-1 Single Family Residential to C-3 L.U.O., General Commercial with the following stipulations:

1. That the final site plan and future proposed lot redevelopment shall be reviewed and approved by the MAPC prior to permit issuance. Such submittal shall include architectural and engineering drawings when applicable.
2. That prior to the final permit approval, all plans and construction documents shall satisfy all city, state and local agency approvals regarding infrastructure.
3. Cross-access easements to the property east and west shall be incorporated.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning Director
Planning & Zoning Department

Site Photographs



View looking east from the site.



View looking south along Highland Dr.



View looking west across from the site.



View looking northeast at the subject site.



View looking southeast along abutting property.



View looking south from subject property.



Legislation Details (With Text)

File #: ORD-10:044 **Version:** 1 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 5/13/2010 **In control:** City Council
On agenda: **Final action:**

Title: AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-2 LOW DENSITY MULTI-FAMILY TO C-3 GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1405 EAST WASHINGTON AS REQUESTED BY JONESBORO REAL ESTATE HOLDINGS

Sponsors:

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
5/18/2010	1	City Council		

title
AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES.

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

SECTION 1. That Title 14 of the Jonesboro Municipal Code known as the Zoning Ordinance of the City of Jonesboro, Arkansas, 00 be amended by the change in zone district boundaries as follows:

From R-2, Low Density Multi-Family to C-3, General Commercial District, that land described as follows:

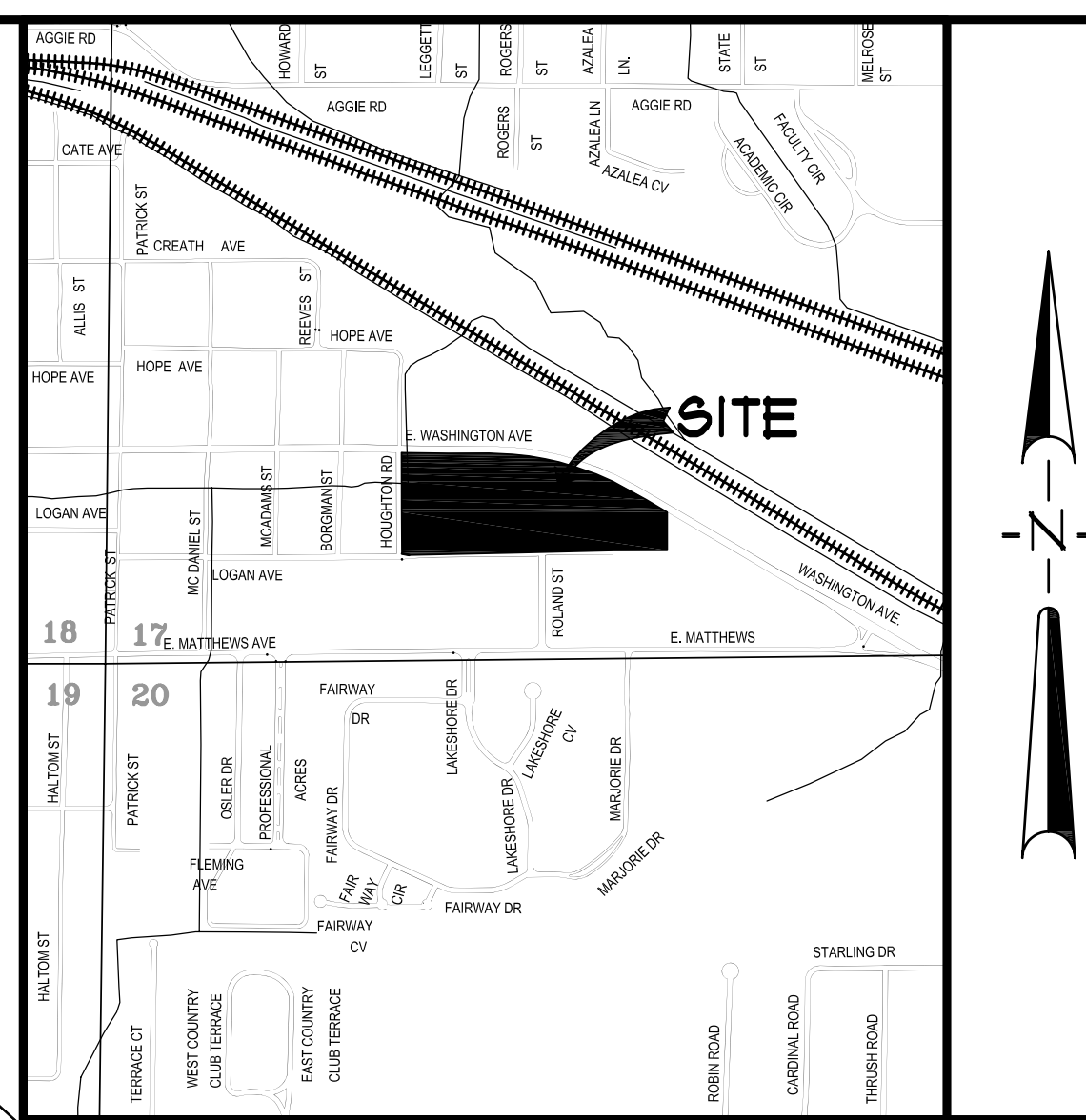
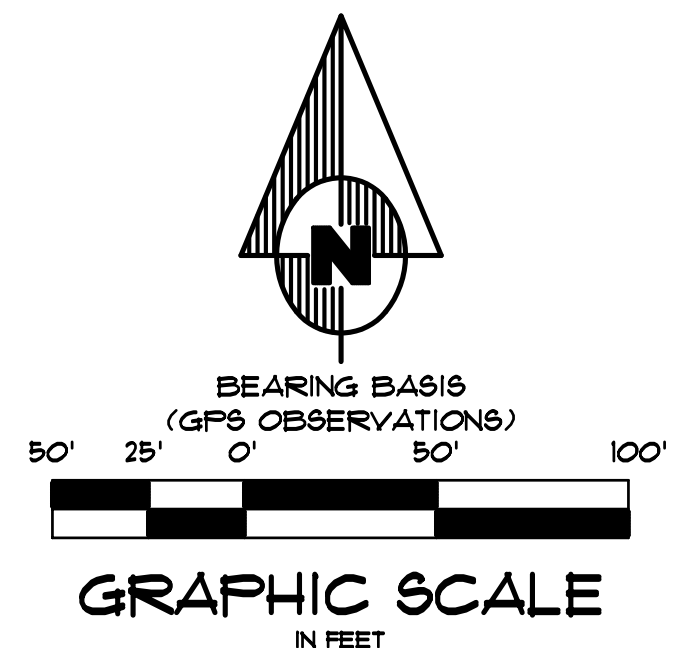
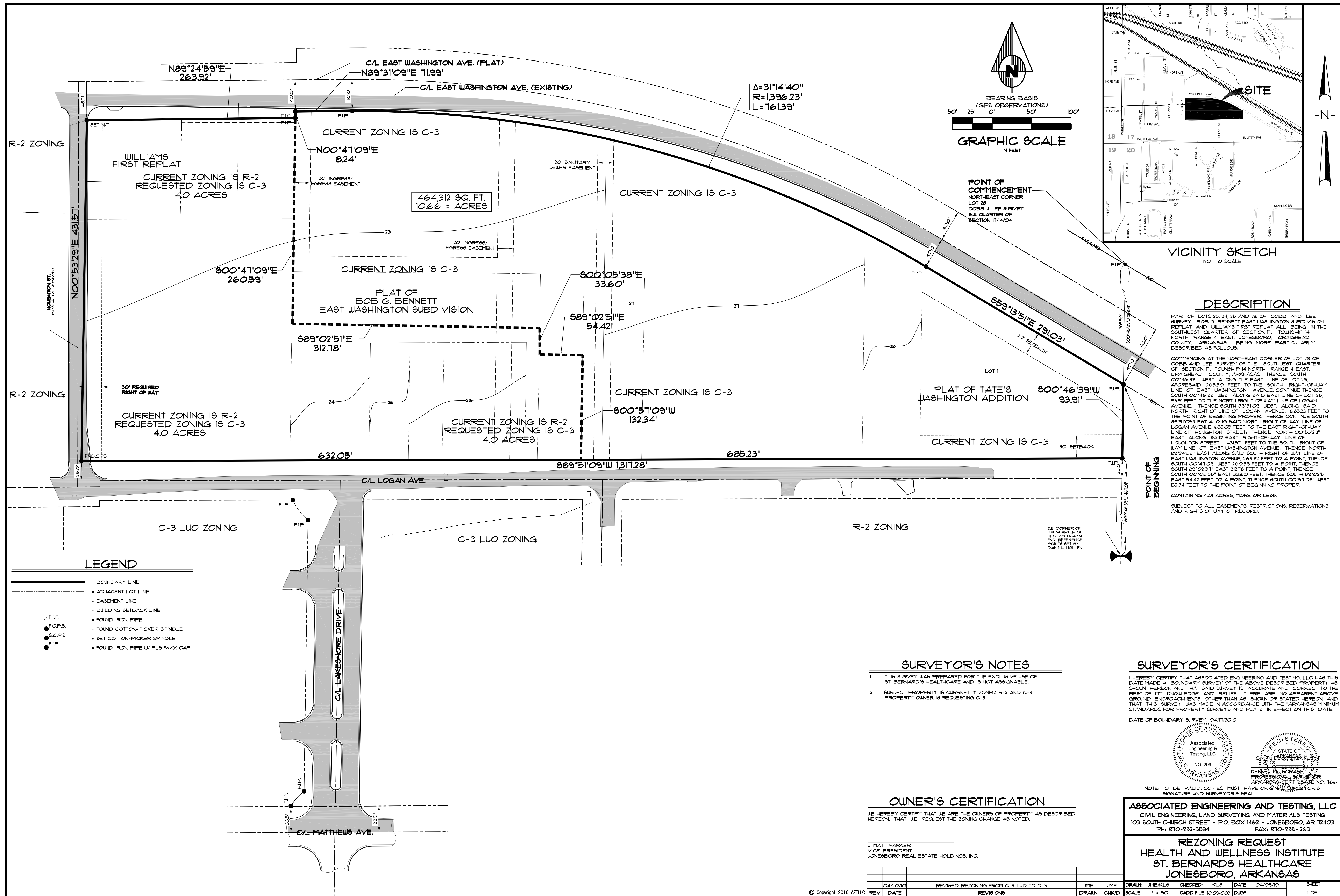
LEGAL DESCRIPTION

PART OF LOTS 23, 24, 25 AND 26 OF COBB AND LEE SURVEY, BOB G. BENNETT EAST WASHINGTON SUBDIVISION REPLAT AND WILLIAMS FIRST REPLAT, ALL BEING IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 4 EAST, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 28 OF COBB AND LEE SURVEY OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS: THENCE SOUTH 00°46'39" WEST ALONG THE EAST LINE OF LOT 28, AFORESAID, 265.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST WASHINGTON AVENUE, CONTINUE THENCE SOUTH 00°46'39" WEST ALONG SAID EAST LINE OF LOT 28, 93.91 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LOGAN AVENUE, THENCE SOUTH 89°51'09" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF LOGAN AVENUE, 685.23 FEET TO THE POINT OF BEGINNING PROPER, THENCE CONTINUE SOUTH 89°51'09" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF LOGAN AVENUE, 632.05 FEET TO THE EAST RIGHT-OF-WAY LINE OF HOUGHTON STREET: THENCE NORTH 00°53'29" EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF HOUGHTON STREET, 431.57 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST WASHINGTON AVENUE: THENCE NORTH 89°24'59" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF EAST WASHINGTON AVENUE, 263.92 FEET TO A POINT, THENCE SOUTH 00°47'09" WEST 260.59 FEET TO A POINT, THENCE SOUTH 89°02'57" EAST 312.78 FEET TO A POINT, THENCE SOUTH 00°05'38" EAST 33.60 FEET TO A POINT, THENCE SOUTH 89°02'51" EAST 54.42 FEET TO A POINT, THENCE SOUTH 00°57'09" WEST 132.34 FEET TO THE POINT OF BEGINNING PROPER,

CONTAINING IN ALL 174,676 SQ. FT. OR 4.01 ACRES, MORE OR LESS.

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



VICINITY SKETCH
NOT TO SCALE

DESCRIPTION

PART OF LOTS 23, 24, 25 AND 26 OF COBB AND LEE SURVEY, BOB G. BENNETT EAST WASHINGTON SUBDIVISION REPLAT AND WILLIAMS FIRST REPLAT, ALL BEING IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 28 OF COBB AND LEE SURVEY OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°46'39" WEST ALONG THE EAST LINE OF LOT 28, AFORESAID, 269.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST WASHINGTON AVENUE; CONTINUE THENCE SOUTH 00°46'39" WEST ALONG SAID EAST LINE OF LOT 28, 93.91 FEET TO THE NORTH RIGHT OF WAY LINE OF LOGAN AVENUE; THENCE SOUTH 89°51'09" WEST, ALONG SAID NORTH RIGHT OF LINE OF LOGAN AVENUE, 685.23 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 89°51'09" WEST ALONG SAID NORTH RIGHT OF WAY LINE OF LOGAN AVENUE, 632.05 FEET TO THE EAST RIGHT-OF-WAY LINE OF HOUGHTON STREET; THENCE NORTH 00°53'28" EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF HOUGHTON STREET, 431.51 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST WASHINGTON AVENUE; THENCE NORTH 89°24'59" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST WASHINGTON AVENUE, 263.92 FEET TO A POINT; THENCE SOUTH 00°41'09" WEST 260.59 FEET TO A POINT; THENCE SOUTH 89°02'51" EAST 312.78 FEET TO A POINT; THENCE SOUTH 00°09'38" EAST 33.60 FEET; THENCE SOUTH 89°02'51" EAST 54.42 FEET TO A POINT; THENCE SOUTH 00°15'10" WEST 132.34 FEET TO THE POINT OF BEGINNING PROPER.

CONTAINING 4.01 ACRES, MORE OR LESS.

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

SURVEYOR'S NOTES

- THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF ST. BERNARD'S HEALTHCARE AND IS NOT ASSIGNABLE.
- SUBJECT PROPERTY IS CURRENTLY ZONED R-2 AND C-3. PROPERTY OWNER IS REQUESTING C-3.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT ASSOCIATED ENGINEERING AND TESTING, LLC HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS OTHER THAN AS SHOWN OR STATED HEREON AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE "ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS AND PLATS" IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 04/11/2010

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

OWNER'S CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF PROPERTY AS DESCRIBED HEREON, THAT WE REQUEST THE ZONING CHANGE AS NOTED.

J. MATT PARKER
VICE PRESIDENT
JONESBORO REAL ESTATE HOLDINGS, INC.

REV	DATE	REVISIONS	DRAWN	CHK'D
1	04/20/10	REVISED REZONING FROM C-3 LUO TO C-3	JME	JME

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

REZONING REQUEST
HEALTH AND WELLNESS INSTITUTE
ST. BERNARD'S HEALTHCARE
JONESBORO, ARKANSAS

DRAWN	CHECKED	DATE	SHEET
JME/KLS	KLS	04/09/10	8

SCALE: 1" = 50'
CADD FILE: 10109-003 DWG

City of Jonesboro City Council
Staff Report – RZ 10-07 Jonesboro Real Estate, 1405 W. Washington
Huntington Building - 900 W. Monroe
For Consideration by Council on May 18, 2010

REQUEST: A recommendation by MAPC to rezone property containing 4.0 acres more or less.

PURPOSE: To rezone a tract of land from R-2 Low Density Multi-Family to C-3 General Commercial.

**APPLICANT/
OWNER:** Jonesboro Real Estate Holdings, Inc., Jonesboro, AR 72403

LOCATION: 1405 E. Washington Ave., Jonesboro, AR

SITE DESCRIPTION: Tract Size: 4.0 Acres (174,749 sq. ft.)
Frontage: 431' frontage on Houghton, 264' frontage on E. Washington
Topography: Flat
Existing Dvlpmt: Vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: I-1, C-3	Commercial/Industrial
	South: R-2, C-3 L.U.O.	Commercial/Residential
	East: C-3	Commercial
	West: R-2	Residential

HISTORY: None

ZONING ANALYSIS: City Planning Staff has reviewed the proposed development and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as Downtown Redevelopment District Area (DRD).

The current Future Land Use Plan describes this Eastern portion of Downtown as an area transitioning into a medical and financial services campus and it lends itself to redevelopment incentives with a mixture of low intense office and housing type options. Staff finds consistency with the intent of this rezoning.

Master Street Plan Review:

The proposed site is located along East Washington Ave. which is proposed as a Minor Arterial on the most current Jonesboro Master Street Plan. The rezoning plat maintains an 80+/- ft. right away along E. Washington Avenue, but the right of ways along Houghton St. and Logan Avenue appear less than 30 ft. from center of street. Staff also cautions the Commission and Council to consider limiting the amount

of curb-cuts along this segment of Washington Ave. to promote good traffic management for the planning area.

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.



Aerial Map/ Vicinity Map

Metropolitan Area Planning Commission – Record of Proceedings

The MAPC held a public hearing for this request on May 11, 2010 and makes the following recommendation to City Council:

Applicant: Mr. John Easley, Associated Engineering, presented the case on behalf of St. Bernards/Jonesboro Real Estate Holdings, Inc., stating the rezoning is to allow for a health and wellness center. The property is zoned C-3 to the east and R-2 on the west, and they would like to bring the R-2 Zoning into the C-3 for uniform Zoning purposes.

Public Input: No opposition.

Commission Deliberation: Mr. Tomlinson asked where the main access will be located. Mr. Easley stated that the main entrance will be off Matthews Ave., off Lakeshore Dr. The doctors/secondary entrance will be off of Houghton St., and none off of Washington Ave. Mr. Tomlinson stated concerns about limiting the amount of curb-cuts along Washington Ave.; he requested cross access easements across the front on Washington Ave. Mr. Easley stated that with no access points along Washington Ave., the cross access easement would be no benefit.

Staff: Mr. Spriggs gave comments concerning the Master Street Plan which recommends Washington Ave. as a Minor Arterial with 80 ft. of right of way. Mr. Easley stated that they meet that requirement. Mr. Spriggs stated that any conditions will necessitate a limited use overlay, and suggested that Mr. Tomlinson defer all of his concerns about access management to the requirement that the site plan be submitted to the MAPC for approval. Staff suggested that this not be a limited use overlay so that the site which is already C-3 to the west will be consistent as one Zoning District.

Commission Action: Mr. Tomlinson made the motion to approve the case with the stipulation that all site plans be approved by the Planning Commission to address all issues of access easement management which is to be included on the final site plan. Motion was seconded by Mr. White.

Roll Call Vote: Mr. Tomlinson- aye; Mr. Scurlock- aye; Mr. White- aye; Ms. Norris- aye; Mr. Hoelscher- aye; and Mr. Dover- aye. Case recommended to City Council with a 6 to 0 vote.

Mr. Roberts, Mr. Kelton were absent.

Findings:

As mention previously this general area is under redevelopment as a medical campus with various service oriented office and infill housing as a trend. A number of the homes in this area show signs of deterioration, however with new improvements and other incentives such as side walk improvements, housing and services for the elderly, and the new greenway project, this rezoning could serve as a catalyst to accelerate the redevelopment process.

The applicant has requested a C-3 Rezoning for the said property under the ownership of Jonesboro Real Estate Holdings, and the proposal utilizes the area as a medical health/wellness center.

A lighting plan should be required to demonstrate compliance with the zoning ordinance during the permit process. This will allow for controls and assurance that will protect the abutting residential properties. Site access should be implemented with care. Please note that any restrictive conditions would necessitate a Limited Use Overlay.

Conclusion

The MAPC and the Planning Staff have reviewed the request and all issues regarding impacts on the surrounding area have been considered. The MAPC recommends approval to Council with a change from R-2 Low Density Multi-family Residential to C-3 General Commercial with the stipulation that all site plans be approved by the Planning Commission with access easement management included on the site plan.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning Director
Planning & Zoning Department

Site Photographs



View looking east towards the site



View looking southeast towards site



View looking southeast towards the subject site.



View looking south towards the site



View looking south towards the site



View looking north



View looking northeast



View looking east



View looking east from site



View looking south from site



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: ORD-10:045 **Version:** 1 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 5/13/2010 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR TIM REDDEN LOCATED AT 5701 JOHNSON AVE./HWY. 49N FROM R-1 TO C-3 L.U.O./GENERAL COMMERCIAL
Sponsors:
Indexes:
Code sections:
Attachments: [Plat](#)
[MAPC Report](#)
[Property history](#)

Date	Ver.	Action By	Action	Result
5/18/2010	1	City Council		

title
AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR TIM REDDEN LOCATED AT 5701 JOHNSON AVE./HWY. 49N FROM R-1 TO C-3 L.U.O./GENERAL COMMERCIAL

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 (C-3 LU-O) GENERAL COMMERCIAL DISTRICT - LIMITED USE OVERLAY, THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 4 EAST IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE S88°32'00"W 80.00 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11 TO A POINT, THENCE S00°18'00"W 34.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF EAST JOHNSON AVENUE (US HIGHWAY 49), THE POINT OF BEGINNING;

CONTINUE THENCE S00°18'00"W 368.42 FEET TO A POINT, THENCE S88° 07'00"W 492.07 FEET TO A POINT, THENCE N03° 35'49"E 86.68 FEET TO A POINT, THENCE N03°35'00"E 290.40 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF EAST JOHNSON AVENUE (US HIGHWAY 49), THENCE N88°32'00"E 394.60 FEET ALONG SAID RIGHT OF WAY TO A POINT, THENCE S88° 36'00"E: 75.70 FEET TO THE POINT OF BEGINNING, CONTAINING SOME: 4.125 ACRES, MORE OR LESS, SUBJECT TO A 30 FOOT ROAD EASEMENT ON THE WESTERLY SIDE THEREOF.

SECTION II: THE REQUESTED REZONING CLASSIFICATION IS C-3 LIMITED USE OVERLAY (LU-O). THE LU-O IS FURTHER RESTRICTED AS FOLLOWS AND SHALL ADHERE TO THE FOLLOWING STIPULATIONS SET FORTH:

1. THE LIMITED USE SHALL EXCLUDE THE FOLLOWING:

ADULT ENTERTAINMENT
OFF-PREMISE ADVERTISEMENT

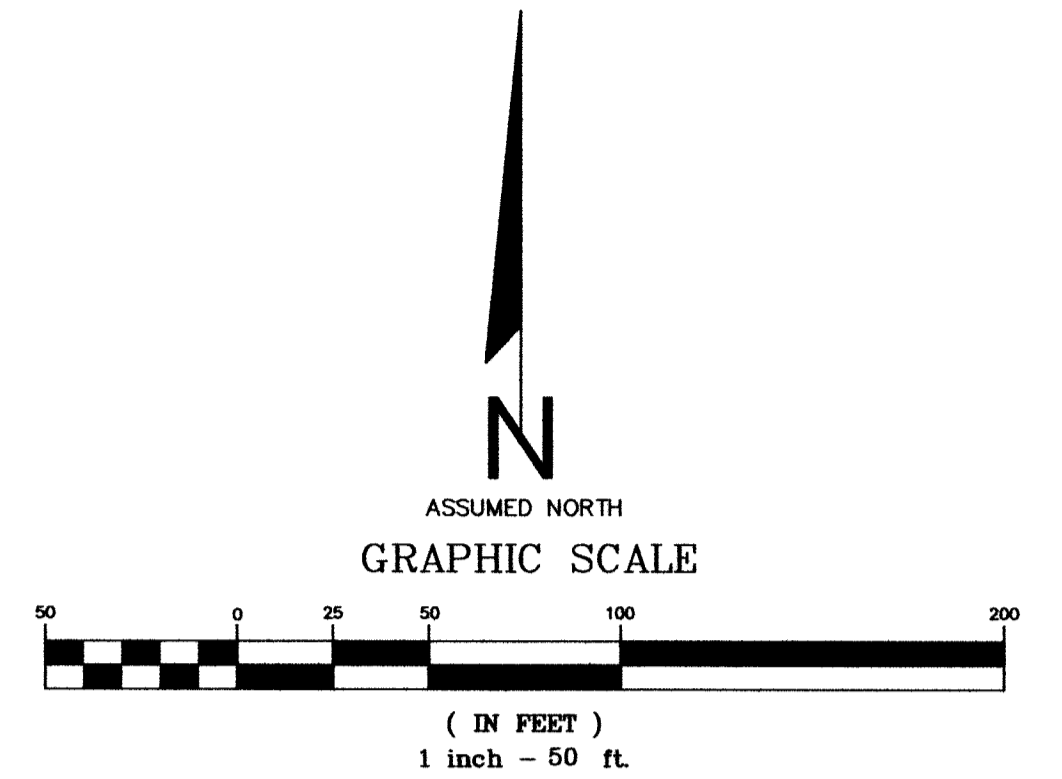
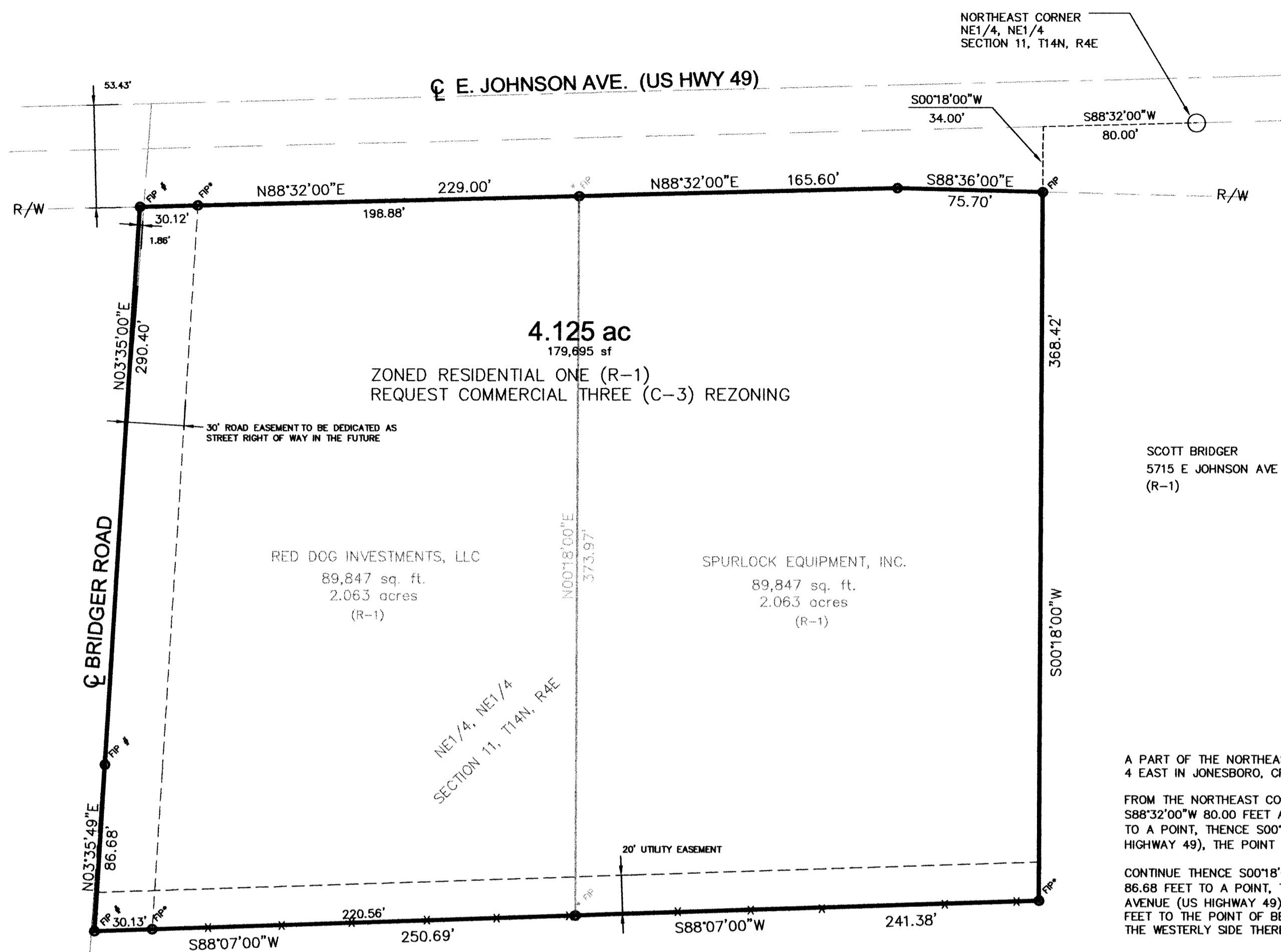
2. THE FOLLOWING LIMITED USES SHALL BE ALLOWED ONLY BY CONDITIONAL USE APPLICATION/APPROVAL BY THE MAPC:

CARWASH
CEMETERY
CONSTRUCTION SERVICES
CONVENIENCE STORE
FAST FOOD RESTAURANT
GAS STATION

GENERAL AND LIMITED VEHICLE REPAIR

3. That all site plans be approved by the Planning Commission with access easement management included on individual site plans with cross access easements. No new work shall commence prior to Final site Plan review and approval by the MAPC.
4. A lighting plan and landscaping plan shall be submitted to the MAPC, including a 30 ft. landscape buffer where the site abuts existing residential uses.
5. That a final Replat be filed depicting the dedication of a 30 ft. right of way east of the center of Old Bridger Rd.
6. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
7. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all city, state and local agencies shall be satisfied.

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.



- LEGEND**
- ^{RP} — FOUND IRON PIN (1" DIA PIPE EXCEPT AS NOTED)
 - — (1" DIA PIPE W/ 1303 CAP)
 - # — (5/8" DIA REBAR W/ 1303 CAP)
 - (PK NAIL)
 - X — X — X — FENCE

NOTES:
1. CLIENT - TIM REDDEN

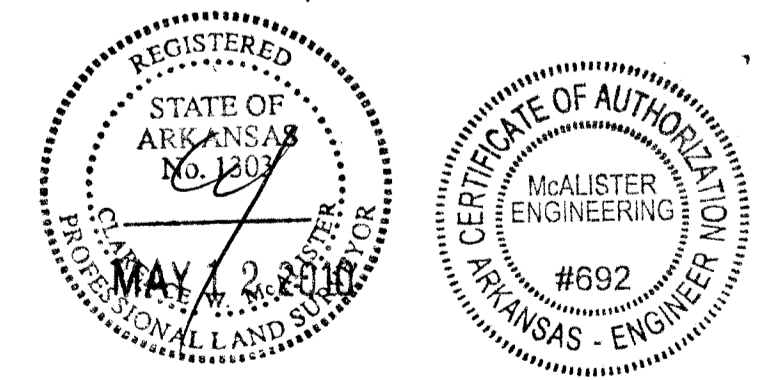
DESCRIPTION - REZONING REQUEST
A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 4 EAST IN JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE S88°32'00"W 80.00 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 TO A POINT, THENCE S00°18'00"W 34.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF EAST JOHNSON AVENUE (US HIGHWAY 49), THE POINT OF BEGINNING;

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CERTIFICATION
I HEREBY CERTIFY THAT McALISTER ENGINEERING HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS AND THAT ALL PROPERTY LINES AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Clarence W. McAlister
CLARENCE W. McALISTER, PROFESSIONAL LAND SURVEYOR NO. 1303 APRIL 14, 2010



BARRY PHILLIPS
1905 OLD BRIDGER ROAD
(R-1)

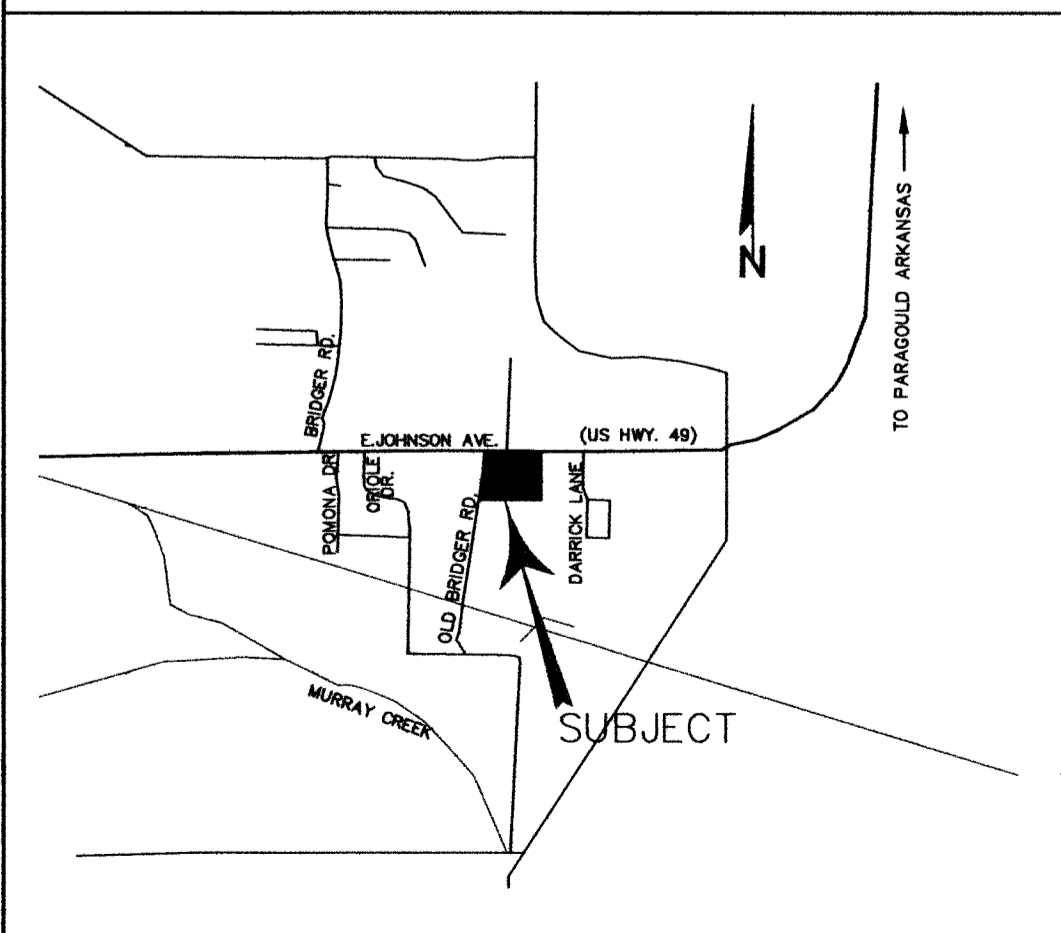
SPURLOCK EQUIPMENT, INC.
89,847 sq. ft.
2.063 acres
(R-1)

RED DOG INVESTMENTS, LLC
89,847 sq. ft.
2.063 acres
(R-1)

OWNER'S CERTIFICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AND WE HEREBY REQUEST A REZONING FROM RESIDENTIAL ONE (R-1) TO COMMERCIAL THREE (C-3) AS SHOWN HEREON.

RED DOG INVESTMENTS, LLC
Tim Redden
TIM REDDEN

SPURLOCK EQUIPMENT, INC.
Paul E. Spurlock
PAUL SPURLOCK



REZONING PLAT

IN THE NE 1/4, NE 1/4 SECTION 11, T14N, R4E
JONESBORO, ARKANSAS

MALISTER ENGINEERING CIVIL ENGINEERING AND LAND SURVEYING 1013 CR 620 JONESBORO, AR 72404 870-931-1420		DRAWN BY: BDS	CHECKED BY: CM
SCALE: 1" = 50'		DATE: 14APR10	CAD FILE: 1039932RedDogInvestments.dwg
DWG REF: 04E-14N-11		JOB NO. 1039932	SHEET 1 / 1

CLARENCE W. "MAC" McALISTER, PE, PLS

VICINITY MAP NTS



City of Jonesboro City Council
Staff Report – RZ 10-08 Tim Redden, 5701 E. Johnson
Huntington Building - 900 W. Monroe
For Consideration by Council on May 18, 2010

REQUEST: A recommendation by MAPC to rezone property containing 4.125 acres

PURPOSE: To rezone a tract of land from R-1 to C-3 General Commercial L.U.O.

**APPLICANT/
OWNER:** Tim Redden, 3112 Southern Hills Lane, Jonesboro, AR 72401

LOCATION: 5701 E. Johnson Ave./Hwy. 49N

**SITE
DESCRIPTION:** Tract Size: 4.125 Acres (179,695 sq. ft.)
Frontage: 847.38' of frontage: 377.08' along Old Bridger/ 500.42' along E. Johnson Ave..
Topography: Predominantly flat
Existing Dvlpmt: Vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Highway 49N
South:	R-1	Residential
East:	R-1	Residential
West:	R-1	Residential

HISTORY: Previously petitioned for rezoning and denied by MAPC on November 8, 2005; An appeal was filed, and later heard on December 19, 2005 by City Council; Appeal was read Once and on January, 3, 2006, MAPC denial was upheld by Council unanimously (See attached associated meeting minutes on Agenda Details for this item.)

ZONING ANALYSIS: City Planning Staff has reviewed the proposed development and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northeast Sector and to be recommended as Planned Mixed Use Area.

Typically, PMUA is a campus-style planned development with multiple uses that are created in separate buildings or within single buildings, sharing a common image and circulation system. The Planned Mixed Use Area is typically located on major arterial streets; where the infrastructure is preexisting or is planned as part of a proposed development. Access management shall be a major priority; consolidated curb-cuts shall be promoted.

Components: The intent of the PMUA is to promote a mix of uses and to discourage single use, and the composition shall be reviewed on a case by case basis by the Metropolitan Planning Commission.

PMUA promotes innovative neighborhood themes having housing choices that will stand the test of time in terms of construction and architectural standards as well as first-class management and maintenance. Consistency is determined with the current proposed change in the zoning to “C-3” General Commercial if designed in an orderly fashion taking into account surrounding residential in terms of buffer and screening and incompatible uses are excluded under a limited use overlay or planned district development.

Master Street Plan Review:

The proposed site is located along Highway 49N/Johnson Avenue which is a Principal Arterial on the most current Jonesboro Master Street Plan. In this instance, the goal of the Master Street Plan is to preserve necessary right of way for future road improvements with a minimum of 120 ft. minimum right of way is recommended. Hwy. 49 N is already improved, but the applicant only shows a 30 ft. + road easement on Old Bridger Rd. on the rezoning plat. According to the current Master Street Plan, a proposed principle arterial providing for the extension of South Commerce Rd. north will be located just east or west of this tract. To the minimum, the City Engineer will require 60 ft. right of way on public streets during the platting process; however, participation by the subject owner may be needed to accommodate future transportation needs.

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.



Aerial Map/ Vicinity Map

Metropolitan Area Planning Commission – Record of Proceedings

The MAPC held a public hearing for this request on May 11, 2010 and makes the following recommendation to City Council:

Applicant: Mr. Tim Redden presented the case stating that he has a 4.125 acre parcel located on the SE intersection of Old Bridger Rd. and E. Johnson that he is asking for a rezoning from R-1 Single Family to C-3 Commercial.

Public Input: No opposition was present.

Staff: Mr. Spriggs stated that Staff has five (5) recommended conditions. He asked Ms. Norris is she was aware of any constraints by the utility companies for installing landscaping within utility easements? Staff has proposed that a 30 ft. landscape buffer be provided along the southern perimeter where the property abuts residential. Ms. Norris noted that nothing permanent could be built in that easement. Anything planted could be removed with any future improvements in those easements.

Mr. Spriggs also noted that the Master Street Plan has proposed a northern extension of Commerce Dr. which may one day align to the east or west of the subject property. The applicant is aware and he is willing to participate in the future if that were to happen. Michael Morris, from City Engineering noted concerns with multiple access points along Highway 49N.

Mr. Tomlinson asked the applicant if he has considered making out a list of uses that he could live with and others that we could eliminate. Mr. Redden stated that he had considered that and would be open to any stipulations. Mr. Spriggs noted that there were some listed in the staff report in the “Findings” section. He recommended that the list could be described as all *uses allowed under the C-3 District* with an exclusion list added.

Mr. Johnny White asked, what is the difference between Vehicular Repair General and Vehicular Limited? Mr. Spriggs noted that the difference is that *General* includes collision body repair shops and contractor enterprise type uses that store vehicles and equipment outside, and the *Limited* would exclude those and include things such as engine repair shops.

Mr. Tomlinson stated that he would like to form a motion to exclude drive in restaurants/fast food and adult entertainment, and he would entertain a motion recommending a C-3 Limited Use overlay with a provision that the following uses be omitted from the C-3 District such as: Car wash, cemetery, construction services, gas station, convenience store, billboards/offsite advertisement, vehicular repair limited and general and adult entertainment.

Mr. Spriggs stated that at the time of site plan review process, we could deal with the cross access easements or any right-of-way issues.

Mr. Paul Hoelscher expressed concerns about eliminating those restrictions if the area were to redevelop as all commercial in the future; do they have the option to come back and approve fast food or any of the other items. Does it have to be a complete rezoning?

Mr. Spriggs stated that we dealt with this same issue concerning Limited Use Overlays where in the last special meeting- Mr. Ben Ford wanted to make a minor request that had to go through the entire process. You may want to be careful how you craft the restrictions.

Mr. Hoelscher asked would it be better to not eliminate but make them a conditional use? Mr. Spriggs agreed with Mr. Hoelscher that the restricted or excluded list of uses could be stipulated as a condition use, and the MAPC could weigh those at that time of whether they are consistent with the area. Mr. Hoelscher stated that it still provides protection to the whole area.

MAPC ACTION: Mr. Tomlinson modified his motion as follows:

THE REQUESTED REZONING CLASSIFICATION IS C-3 LIMITED USE OVERLAY (LU-O). THE LU-O IS FURTHER RESTRICTED AS FOLLOWS AND SHALL ADHERE TO THE FOLLOWING STIPULATIONS SET FORTH:

1. THE LIMITED USE SHALL EXCLUDE THE FOLLOWING:

ADULT ENTERTAINMENT
OFF-PREMISE ADVERTISEMENT

2. THE FOLLOWING LIMITED USES SHALL BE ALLOWED ONLY BY CONDITIONAL USE APPLICATION/APPROVAL BY THE MAPC:

CARWASH
CEMETERY
CONSTRUCTION SERVICES
CONVENIENCE STORE
FAST FOOD RESTAURANT
GAS STATION
GENERAL AND LIMITED VEHICLE REPAIR

3. That all site plans be approved by the Planning Commission with access easement management included on individual site plans with cross access easements. No new work shall commence prior to Final site Plan review and approval by the MAPC.

4. A lighting plan and landscaping plan shall be submitted to the MAPC, including a 30 ft. landscape buffer where the site abuts existing residential uses.

5. That a replat be filed depicting the dedication of a 30 ft. right of way east of the center of Old Bridger Rd.

6. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.

7. That prior to any issuance of Certificate of Occupancy of new uses, all requirements stipulated by all city, state and local agencies shall be satisfied.

The motion was seconded by Mr. Johnny White. **Roll Call Vote:** Mr. Tomlinson- aye; Mr. Scurlock- aye; Mr. White- aye; Ms. Norris- aye; Mr. Hoelscher- aye; and Mr. Dover- aye. Case recommended to City Council with a 6 to 0 vote. Mr. Roberts, Mr. Kelton were absent.

Findings:

This area is under transition with the new regional hospital project soon to be underway, as well as a number of properties currently being marketed in this surrounding area. The applicant has requested a C-3 Rezoning for the said property; this would allow any use listed within the permissible use table of general commercial such

as: bank, carwash, convenience store, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, general and limited vehicle repair. Also this district would allow for adult entertainment and off premise advertisement as a conditional uses, in which the Commission and Council may want to place restrictions on.

A lighting plan and landscaping plan including adequate buffering should be required to demonstrate compliance with the zoning ordinance during the permit process. This will allow for controls and assurance that will protect the abutting residential properties. Site access should be implemented with care. Please note that any restrictive conditions would necessitate a Limited Use Overlay.

Conclusion

The MAPC and the Planning Staff have reviewed the request and all issues regarding impacts on the surrounding area have been considered. The MAPC unanimously recommends approval of the request of C-3 L.U.O., excluding adult entertainment and off- premise advertisement billboards, recommending approval to Council with a change from R-1 Single Family Residential to C-3 General Commercial L.U.O. with the stipulations noted in the record of proceedings above.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning Director
Planning & Zoning Department

Site Photographs



View looking to the northeast from area south of the site



View looking to the north from area southwest of the site



View looking northwest



View looking southwest of the subject site.



View looking south along Old Bridger Rd.



View looking to the east along Hwy. 49 N Frontage



View looking to the southeast from Hwy. 49 N/ Old Bridger Rd. Intersection



View looking to the West along Hwy. 49 N.



View looking to the east along Hwy. 49 N Frontage



View looking Southwest from intersection



View looking to the West along Hwy. 49 N



View looking east from subject property.

METROPOLITAN AREA PLANNING COMMISSION
DRAFT MINUTES – NOVEMBER 8, 2005 7:00PM
Hunting Building – 900 W. Monroe Avenue

Commissioners Present: Beadles, Gott, Day, Roberts, Krennerich, Harpole, Halsey, Moore, Sawyer.

Commissioners absent: none

Staff Present: Martin, Rook

Chairman Beadles called the meeting to order at 7:00p.m.

Chairman Beadles announced prior to calling the meeting to order that item FP-05-10 had been withdrawn by the applicants, and that item PP-05-11 would not be considered due to not meeting city guidelines.

On a motion by Dr. Sawyer and seconded by Mr. Gott, the minutes of the September 13, 2005 meeting were approved by unanimous vote.

On a motion by Dr. Sawyer and seconded by Mr. Harpole, the minutes of the October 11, 2005 minutes were approved by unanimous vote.

1. FP-05-10 CHASTAIN DEVELOPMENT, LLC request final plat approval for WINDSOR LANDING PHASE IV, A 37-lot residential subdivision on 11.09 acres in an R-1 Single-Family Medium Density District. The subject property is on the west side of Clinton School Road. THIS ITEM WAS WITHDRAWN BY THE APPLICANT PRIOR TO THE MEETING.

2. PP-05-11 THE PROVIDENCE GROUP, INC. request preliminary and final plat approval of CRAIGHEAD ESTATES, a 55-lot residential subdivision on 75.37 acres in an R-1 Single-Family Medium Density District. The subject property is on the south side of Magnolia Road, east of Prescott Lane. THIS ITEM WAS NOT HEARD DUE TO NOT MEETING CITY GUIDELINES.

3. RZ-05-29 RICHARD AND PATSY FOSTER request rezoning from R-1 Single-Family Medium Density to C-3 General Commercial for a 2.21 acres parcel on the EAST SIDE OF HIGHWAY 141 JUST SOUTH OF PHILADELPHIA RD.

Skip Mooney, Jr., Attorney, was present as proponent for this item. Stated that his client has owned this property for 20 years and has had no development during this time. The property owner's brother has property just north of this parcel and this property is zoned commercial. The property in request is on major 4 lane road and was zoned R-1 when it was brought into the city. Stated that commercial would be the best use of this property. Property owner should have right to use this as commercial and this would not take away

commercial in the area and that the property where Crowley's Ridge Development council is located is rental and could change at any time. He is not a development company and will not be moving out of the area, does not think anyone who does not live in the immediate area should have a say in the matter. Does not agree with some of the changes in the area but feels he can live with them.

Sherry Broadway came forward to oppose, lives directly across from property, Mr. Foster has had equipment on this property. Does not understand why he can not put on property directly across from his house.

Chairman Beadles asked commissioners for discussion or a motion. Commissioner Krennerich made motion that they deny the request stating there is ample commercial property on 141, and that we as a commission have gone on record against linear commercial and there is enough commercial up and down 141 that is not being utilized, therefore it should be left as is. Commissioner Gott seconded. The vote was 5/4 to deny the request with Chairman Beadles casting the deciding vote. Chairman Beadles advised applicant that he could appeal to the City Council and it would be up to him to get it on the council agenda.

4. RZ-05-30 RAY AND ALICE BRIDGER request rezoning from R-1 Single-Family MEDIUM Density Residential to C-3 General Commercial for a 4.125 acre parcel on the south side of Hwy 49 just east of Old Bridger Road.

Skip Mooney, Jr. Attorney spoke as proponent for request for Mr. and Mrs. Ray Bridger again stated location of property. The property directly behind is owned by Mr. Phillips and all the property in this area is well maintained and mowed. Most of the residents in the area are Bridgers. This property is in the Farrville area and again it was brought into the city as R-1 and Johnson Avenue in this area is four laned with turn lane. There is a lot of development in this area with several Banks moving out to this area. There is now an Ace Hardware built in the area, and then driving down this area you will see several realty signs on property for sale, stated that he thought this is because that the City Council approved a large commercial area at the intersection of Johnson Ave. and Old Paragould Hwy. There are several commercial properties that are being developed in this area with a large commercial tract being developed by Kent Arnold. Because of this fact my clients believe that commercial is the best use of this property. Mr. and Mrs. Bridger no longer live in this area but still have property and family in the area. They would like to sell this property but there is no immediate planned use for this property, they respectfully request that this commission recommend approval to the City Council that this property be rezoned from R-1 Single-Family Medium Density Residential to C-3 General Commercial.

Scott Bridger spoke as representative for those opposed to this request. At this time Chairman Beadles ask that those present that opposed this request to stand, approximately 20 people stood. Again Scott Bridger stated that he lives at 5715 Johnson Ave. which joins the property in request. His uncle Ray Bridger owns the property and lives in Gainesville, Ga., which is 500 miles away from this property. Stated that he wants to sell property for monetary value and not the betterment of the community. This land has not been developed because his grandparents that owned the property chose not to. After the death of his grandmother he purchased the house and property it sets on, and the land adjacent was deeded to his uncle. The property is located on a 5 lane road, but if you are traveling from Paragould to Jonesboro you will notice there is a hill that blocks the view of the commercial property from this area. There has been increased traffic because of the housing development in this area. Mr. Bridge had copy of land use development dated 08/15/96 which states that this land was brought into the city as R-1 and they feel it should stay this way. The property is on corner of Johnson and Old Bridger Road which would handle traffic from residential area. We feel this would be spot zoning because it would be in the middle of residential, and granted there is commercial property on the west side of the road and completely out of sight because of the terrain, it is my understanding the commercial properties that are close to the Farrville curve were "grandfathered in" when it was brought into the city and were already commercial. We ask that the commission deny this request.

Chairman Beadles asked commissioners for questions or a motion. **Commissioner Krennerich made motion to deny the request** stating that this commissioner has gone on record as being against strip commercial along Hwy 49 north and feels there is ample commercial between Hwy 351 and the new Ace Hardware Store, we should follow the land use plan and recommend that the request be denied. **Commissioner Gott seconded.** **The request was denied with a vote of 5/3.** Chairman Beadles advised that they could appeal to the council and they would need to get this on their agenda. Chairman Beadles adjourned the meeting at approximately 7:50 p.m.

..title

Minutes for the City Council meeting on December 19, 2005.

..body

PUBLIC HEARING - 6:00 P.M. - A public hearing was conducted for the abandonment of a drainage easement located in Lot 41 of Mardis 2nd Addition as requested by Mr. Roy Jackson. No opposition was voiced.

APPEAL HEARING - 6:10 P.M. - Councilwoman Furr excused herself from the appeal process due to a conflict of interest in that she is related to the Bridger family. An appeal hearing was conducted for the rezoning of property from R-1 to C-3, located on the south side of Highway 49, east of Old Bridger Road as requested by Ray and Alice Bridger. Attorney Skip Mooney represents the Bridgers. He added the property is on Johnson Ave. by the curve in Farville on the corner of Bridger and Johnson. He also added the location where the property is has a five-lane road by it and a lot of traffic. The property is not used, even though it's located in an expanding commercial district. He stated his clients think the best use for the property is for commercial use. It was questioned why the MAPC did not approve the rezoning. Mr. Mooney noted that Mr. George Krennerich stated there is already enough commercial property along Johnson Ave. and it was also stated there was substantial opposition to it from the residences around the Bridgers property. It was also questioned what the adjoining properties are zoned as. Mr. Mooney stated the surrounding areas are residential. It was also noted the interim City Planner did not make a recommendation concerning the property. Attorney Jim Lyons represented the opponents to the rezoning. Several opponents to the rezoning attended the hearing. Mr. Lyons stated all the property adjoining the proposed rezoned area is residential, none of it is commercial. He further stated the Jonesboro Comprehensive Plan shows the property as being residential and the residents should be able to rely upon that plan. He added the rezoning was turned down by the MAPC because of the opposition.

APPEAL HEARING - 6:20 P.M. - Councilman McCall abstained from the appeal process due to a conflict of interest with this property. An appeal hearing was conducted for the rezoning of property from R-1 to C-3, located on the east side of Highway 141, south of Philadelphia Road as requested by Richard and Patsy Foster. Mr. Mooney also represents the Fosters. He noted nearby property has been rezoned commercial years ago. The property has a drainage problem and will need work done to it. He stated Mr. Foster and his son are in the implement business and would like to put implements on the land to sell. They do not wish to put multi-family housing on the property. He further explained his clients do not believe the property has any residential use and its best use is commercial. Mr. Randy Ishmael addressed the Council to voice opposition to the rezoning. He had a list of 75 people who voice opposition to the rezoning. Mr. Joseph Clark, a resident of Philadelphia Road, also addressed the Council in opposition to the rezoning. He noted there is a commercial lot across from the proposed rezoned area for the family to put their implements on. Mr. Ishmael stated the area residents would like the area to stay residential and that most of the area is residential, except for a few small businesses. He added the business do not have heavy equipment or such. He further added that the City should wait until the City has a planning staff before changes are made so the City Planner can decide what should be done.

CITY COUNCIL MINUTES - December 19, 2005

The Jonesboro City Council met Monday, December 19, 2005 at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Assistant City Attorney, Carol Duncan was filling in for City Attorney Phillip Crego who was out due to illness.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the City Council minutes from November 15, 2005 as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Assistant City Attorney Carol Duncan delivered the legal report. The total number of district court trials in 2005 was 3, 350. It was questioned whether a report has been received from Attorney Ralph Ohm. It was stated a report has not been received from Mr. Ohm yet.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE EAST SIDE OF HIGHWAY 141, SOUTH OF PHILADELPHIA ROAD (Richard and Patsy Foster)

Councilman McCall recused himself from the reading of the ordinance due to a conflict of interest with this property.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE SOUTH SIDE OF HIGHWAY 49, EAST OF OLD BRIDGER ROAD (Ray & Alice Bridger)

Councilwoman Furr recused herself from the reading of the ordinance due to a conflict of interest in that she is related to the Bridger family. Mr. Mooney suggested putting the previous rezoning ordinances on second readings and allow people to make presentations at the next Council meeting at the third reading to save time. Councilman Farmer stated the second and third readings will be at the next meeting.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED IN LOT 41 OF MARDIS 2ND ADDITION AS REQUESTED BY ROY JACKSON

Councilman Moore moved, seconded by Councilman Perrin to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Perrin for the adoption of the



Legislation Text

File #: MIN-06:043, Version: 1

title

Minutes for the City Council meeting on January 3, 2006.

body

CITY COUNCIL MINUTES - January 3, 2006

PUBLIC HEARING - 6:20 P.M. - A public hearing was conducted for the abandonment of a 20 foot and 15 foot utility easement located at Matthew Medical Park as requested by Mr. J. Matt Parker. No opposition was voiced.

CITY COUNCIL MINUTES - January 3, 2006

The Jonesboro City Council met Tuesday, January 3, 2006 at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, City Attorney Crego and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the City Council minutes from December 19, 2005 as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Mr. Larry Flowers provided a financial report stating the revenue side of Operations and Maintenance was at 94% as of November, and the fixed assets fund for 2005 has either been paid or on order. Councilman Farmer asked for clarification regarding how a city sales tax projection of 2.1 million dollars was raised to 2.8 million dollars. Councilman Farmer stated an article in the Jonesboro Sun dated December 30, 2005 read as if it was at the request of the Finance Committee. Mr. Flowers stated he and Mayor Formon had reviewed actual collections for 2005 after submitting his 2006 proposed budget and discovered collections were ½ million dollars higher than in 2004 and determined the figures needed to be adjusted.

The following ordinance was on the second reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE EAST SIDE OF HIGHWAY 141, SOUTH OF PHILADELPHIA ROAD (Richard & Patsy Foster)

Councilman Moore moved, seconded by Councilman Street to waive the third reading for discussion purposes. A voice vote was taken resulting in all members voting aye with the exception of Councilman McCall who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and Ashley. Attorney Skip Mooney, representing the Fosters, stated they wanted to operate an implement (equipment) business on the property. Mr. Mooney stated the property has drainage problems and would never be used for residential property, even though it was zoned residential when annexed in to the city. He explained at the time of annexation, people were promised that they would receive help from the city to rezone their property to the proper classification. Attorney Mooney stated all residential homes sit back away from this property which would not be an interference, nor endanger anyone else's property. Mr. Mooney stated there had been a previous commercial zoning in the area so the highest and best use for the property would be commercial. Mr. Foster stated the MAPC had denied his request citing spot zoning as the reason, however, Mr. Foster contended they had previously zoned his brother's land just to the north, commercial. Mr. Randy Ishmael addressed members of the city council stating even though he was an attorney, he was there as a resident of the Philadelphia community speaking in opposition to the zoning request. Mr. Ishmael introduced other residents from the Philadelphia area. Paul Sherman contended the reason the land to the east is still vacant is because it belongs to Mr. Foster, and the reason no one had offered to purchase the land is because Mr. Foster had never put the land up for sale. He also stated there was opposition when Mr. Foster's brother rezoned his property even though it was approved. Mr. Joseph Clark spoke in opposition questioning enforcement of the site development requirements, such as curb and gutter and the mowing of the property. Attorney Ishmael explained the Foster Well Drilling property, located on the north side across Philadelphia Road was a non-conforming pre-existing use. He explained a variance was issued to allow Mr. Foster to continue his business, but was not rezoned Commercial C-3. He explained the property is being used as office space for Crowley's Ridge Development Council, and the only other commercial business is a nursing home rehabilitation center. He further explained Highway 141 has been designated at a scenic byway. Councilman Moore moved, seconded by Councilwoman Williams to deny the rezoning in accordance with the MAPC recommendation. A voice vote was taken resulting in all members voting aye with the exception of Councilman McCall who

abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and Ashley. The ordinance was denied.

The following ordinance was on the second reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE SOUTH SIDE OF HIGHWAY 49, EAST OF OLD BRIDGER ROAD (Ray and Alice Bridger)

Councilman Moore moved, seconded by Councilman Johnson to waive the third reading for discussion purposes. A voice vote was taken resulting in all members voting aye with the exception of Councilman Farmer and Councilwoman Furr who abstained from voting. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, McCall and Ashley. Attorney Skip Mooney, representing Mr. and Mrs. Ray Bridger, introduced several other individuals living in the area who addressed the city council in support of this zoning request. Ms. Martha Bridger listed various commercial and industrial businesses in the area, stating to impede commercial zoning would hurt the progress of Jonesboro. Attorney Mooney stated this was an argument between Ray Bridger and his brother, who did not want the family property to become commercial. Attorney Mooney cited several commercial businesses along Johnson Ave., one of which was Bill's Fresh Market, owned by Mr. Barry Phillips who stood in opposition to the Bridger property being zoned commercial. Attorney Mooney questioned the number of votes needed to pass the zoning measure. City Attorney Crego explained seven votes of the total elected body would be necessary to pass the zoning request. Mr. Mooney responded saying it was unfair to Mr. and Mrs. Ray Bridger since Councilman Farmer and Councilwoman Furr were recusing themselves from voting, leaving only 10 voting members. Attorney Jim Lyons, represented opponents to the zoning request and provided council members a copy of a petition containing 118 signatures. He disagreed with Attorney Mooney's statement that all the area is going commercial, saying most of the commercial property (Ace Hardware and NEA Clinic) is located "over the hill" from the property in question. He explained the property is classified as medium density residential in the Comprehensive Land Use Plan and is located outside the commercial zoning area, two miles from Bill's Fresh Market which is classified as community commercial. He provided information regarding the MAPC vote, stating five members voted against the zoning request. He explained the comprehensive plan allows individuals to know what can be expected in the area. Mr. Scott Bridger speaking in opposition to the zoning requested, contradicting several points made by Attorney Mooney regarding commercial zoning and the past annexation. Councilman Moore moved, seconded by Councilman Johnson to deny the ordinance in accordance with the MAPC recommendation. A voice vote was taken resulting in all members voting aye with the exception of Councilman Farmer and Councilwoman Furr who abstained from voting. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, McCall and Ashley. The motion was denied.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-2 MULTI-FAMILY LOW DENSITY TO C-5 NEIGHBORHOOD OFFICE DISTRICT LOCATED AT 800 AND 802 PATRICK STREET (Thad Brown, III)

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3603.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-2 MULTI-FAMILY LOW DENSITY TO C-5 NEIGHBORHOOD OFFICE DISTRICT LOCATED ON THE NORTH SIDE OF STALLINGS LAND AND WEST OF STADIUM BOULEVARD (Herb Stallings and Sam Brown)

Councilman Perrin moved, seconded by Councilman Ashley for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3604.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO VACATE AND ABANDON A 20 FOOT AND 15 FOOT UTILITY EASEMENT LOCATED AT MATTHEW MEDICAL PARK (J. Matt Parker)

Councilman Moore moved, seconded by Councilman McCall to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3605.

ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Perrin moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3605.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM C-3, GENERAL COMMERCIAL DISTRICT TO C-5 NEIGHBORHOOD OFFICE DISTRICT, DESCRIBED AS LOT 5 OF SOUTH CARAWAY VILLAGE ADDITION BETWEEN LATOURETTE LANE AND CARAWAY ROAD (Camtri Ross Investments)

Councilman Farmer moved, seconded by Councilman Johnson to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The following local residents spoke in opposition to this zoning request: Curtis Shatley; Delane Hogan; and Peter Pierce. Attorney Glenn Lovett explained the property had been subject of a lawsuit for Residential R-3 zoning, so now they were requesting Commercial C-5.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, SINGLE FAMILY MEDIUM DENSITY TO C-3, GENERAL COMMERCIAL DISTRICT, LOCATED AT 3701 E. JOHNSON (W. L. Gillespie)

Councilman Farmer moved, seconded by Councilman Johnson to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The following local residents spoke in opposition to this zoning request: John Hatcher, George Harp, Phyllis Hankins, Stacy Schratz, Jim Carter, and Shirley Ward. Reasons given for the opposition were enforcement of the Limited Use Overlay stipulations, citing Bill's Fresh Market as an example, property value decrease, and over crowding. Members of the Jonesboro City Council requested copies of the MAPC minutes and a legible plat for the next city council meeting.

Councilman Perrin moved, seconded by Councilman Province to set an appeal hearing for February 7, 2006 at 6:00 p.m. of the decision of the MAPC regarding the rezoning of the property located on Highland Drive and requested by INHOC, LLC. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution to proceed with condemnation action on the following property locations: 903 Cottonbelt, Mohammed Ben-Mohammad and Sherry Davis, Owners; 1703, 1705, 1811, and 1813 Henry Street, Bill Greenwood, Owner. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2006:01.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution to increase commercial sanitation rates. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2006:02.

Councilman Street moved, seconded by Councilman Perrin for the adoption of a resolution accepting the bid from Ritter Communications for the City of Jonesboro phone system. The resolution was assigned number 2006:05.

Under new business, Councilman Johnson and Councilwoman Furr encouraged action be taken regarding the hiring of a permanent city planner and the need to have this position filled. It was explained this was not a reflection on the current Interim Planner, but given the various planning situations a permanent position was warranted.

Councilman McCall moved, seconded by Councilman Dover to place two resolutions on the agenda for consideration by the full council. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Perrin moved, seconded by Councilman Ashley for the adoption of the resolution to appoint Mr. Ted Fortenberry to the Citizens Parks Advisory Board. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number

2006:03.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution to contract with Mr. Harry Hardwick for land acquisition for another year. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2006:04.

Councilman Perrin asked members of the Jonesboro City Council to give their comments to Human Resource Director, Suzanne Hackney regarding the position of Internal Auditor.

Councilman Perrin moved, seconded by Councilman Dover to move the next city council meeting to Monday, January 16, 2006 because of an awards banquet for the "Northeast Arkansas Businessman of the Year" scheduled for January 17, 2006. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. It was requested that notification be provided to all individuals that the meeting change would affect.

Councilman Hargis requested something be done about a pot-hole located by the Public Library which is causing cars to scrape on the asphalt.

Councilman Farmer moved, seconded by Councilman Dover to reappoint the same members to the Nominating and Rules Committee who will be reviewing a "Committee of the Whole" as well as other recommendations. The members of this committee are, Councilman Farmer, Councilman Province, Councilman Moore, and Councilman McCall. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Farmer questioned if city council members would be able to get copies of any contracts, leases or evaluations regarding the newly proposed Convention Center, prior to being placed on the agenda. Mayor Formon stated the information would be provided.

Councilman Farmer questioned if meetings were planned for discussion of the pipe inventory and Hydrological Engineer. Mayor Formon responded saying a meeting was scheduled for tomorrow at 9:30 a.m. in his conference room regarding pipe inventory, but were waiting on a response from Mr. Auld regarding the Hydrological Engineer meeting.

Councilman Farmer requested that Public Works committee members be provided a copy of requirements for the City Planner position.

Under public comment, Mr. Dan Melton, retired fire fighter, provided research on the fireman's pension plan. He requested a printout from the City of Jonesboro showing where the money has gone and how it has been used from the present to 1992. He also requested a printout of the millage funds for this same length of time. Lastly, he questioned if a response had been received from Attorney Ralph Ohm. Mayor Formon explained that Mr. Ohm had been out for several weeks, but they had scheduled for the Director of LOPFI to come and address the Finance Committee, but he wanted to know in advance the specific questions that would be asked. Mr. Melton stated he had no questions for LOPFI because they can only handle the money according to state law, and questioned why they were waiting on the attorney from Hot Springs. Councilman Farmer explained the City Council needed to get advice from legal counsel if there is any exposure for the City of Jonesboro. Mr. Melton stated he wants an accounting from the City of Jonesboro. Mayor Formon responded saying if he will get with Finance Director, Larry Flowers he would make available what they have.

Lastly, Mr. Roger Watkins commended Mr. Teddy Hooton and his staff for the good work they had done in cleaning out a ditch located on Nelms Street. He expressed his appreciation.

With no further business, Councilman Moore moved, seconded by Councilman Johnson to adjourn the meeting. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: ORD-10:036 **Version:** 1 **Name:**
Type: Ordinance **Status:** Third Reading
File created: 4/28/2010 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; ALL PROCEEDS DERIVED FROM THE SALES AND USE TAX WILL BE FOR PROVIDING POLICE AND FIRE SERVICES.
Sponsors: Mayor's Office
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
5/18/2010	1	City Council		
5/4/2010	1	City Council	Held at one reading	
4/27/2010	1	Finance & Administration Council Committee	Recommended to Council	Pass

Title

AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; ALL PROCEEDS DERIVED FROM THE SALES AND USE TAX WILL BE FOR PROVIDING POLICE AND FIRE SERVICES.

Body

WHEREAS, the City Council of the City of Jonesboro, Arkansas (the City) has determined that there is a continuing great need for providing police and fire services for a source of revenue to finance such services; and

WHEREAS, Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the Authorizing Legislation) provides for the levy of a one-half percent (.5%) citywide sales and use tax for the benefit of the City of Jonesboro.

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

SECTION 1: Under the authority of the Authorizing Legislation, there is hereby levied a one-half percent (.5%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101 et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101 et seq.), at a rate of one-half percent (.5%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the Sales and Use Tax). The Sales and Use Tax shall be levied and collected only on the first \$2,500 for each single transaction.

SECTION 2: That all proceeds derived from the Sales and Use Tax will be for providing police and fire services.

SECTION 3: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax, upon such approval, the tax shall commence January 1, 2011 and end December 31, 2014.

PASSED AND ADOPTED this 1st day of June, 2010.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: ORD-10:037 **Version:** 1 **Name:**

Type: Ordinance **Status:** Third Reading

File created: 4/28/2010 **In control:** Finance & Administration Council Committee

On agenda: **Final action:**

Title: AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF JONESBORO, ARKANSAS, ON THE QUESTION OF LEVYING A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; DEFINING THE TERM SINGLE TRANSACTION; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

Sponsors: Mayor's Office

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/18/2010	1	City Council		
5/4/2010	1	City Council	Held at one reading	
4/27/2010	1	Finance & Administration Council Committee	Recommended to Council	Pass

title
AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF JONESBORO, ARKANSAS, ON THE QUESTION OF LEVYING A ONE-HALF PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; DEFINING THE TERM SINGLE TRANSACTION; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

body
WHEREAS, the City Council of the City of Jonesboro, Arkansas (the City) has passed on June 1, 2010, an Ordinance providing for the levy of a one-half percent (.5%) sales and use tax within the City (the Sales and Use Tax); and

WHEREAS, the Sales and Use Tax shall be levied and collected only on the first \$2,500 for each single transaction; and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax, and to define the term single transaction.

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

SECTION 1: That there be, and there is hereby called, a special election to be held on August 10, 2010, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

SECTION 2: That the question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing an X in the square opposite the measure either for or against:

FOR adoption of a one-half percent (.5%) local sales and use tax within the City of Jonesboro, Arkansas, with proceeds derived from the sales and use tax used for providing police and fire services to commence on January 1, 2011 and end on December 31, 2014 []

AGAINST adoption of a one-half percent (.5%) local sales and use tax within the City of Jonesboro, Arkansas, with proceeds derived from the sales and use tax used for providing police and fire services to commence on January 1, 2011 and end on December 31, 2014 []

SECTION 3: That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the authorizing Legislation) and only qualified voters of the City shall have the right to vote at the election.

SECTION 4: That the results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper published in the City and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

SECTION 5: That a copy of this Ordinance shall be given to the Craighead County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

SECTION 6: That the Mayor and City Clerk, for and on behalf of the City, be, and they are hereby authorized

and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Authorizing Legislation, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

SECTION 7: Single transaction is defined according to the nature of the goods or services purchased as follows:

(A) When two or more devices in which, upon which, or by which any person or property is, or may be transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, offroad vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles, and mobile homes, are sold to a person by a seller, each individual unit, whether part of a fleet sale or not, shall be treated as single transaction for the purposes of the sales and use tax.

(B) The charges for utility services, which are subjects to the sales and use tax and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the sales and use tax shall be computed daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the sales and use tax.

(C) For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purpose of the sales and use tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas.

(D) When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as single transaction for the purposes of the sales and use tax.

(E) For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this Section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

SECTION 8: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9: It is hereby ascertained and declared that there is a great need to establish a stable source of revenue to provide public safety services in order to promote and protect the health, safety and welfare of the City and its inhabitants. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and take effect immediately from and after its passage.

PASSED AND ADOPTED this 1st day of June, 2010.