



METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Application for a Zoning Ordinance Map Amendment

Date Received: 1/31/17
Case Number: RZ17-04

LOCATION:

Site Address: 206 N. Main (corner of Main & Johnson)
Side of Street: between Hwy 141 Mainstreet and Lebame Street
Quarter: NE 1/4 Section: 18 Township: T14N Range: R4E

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

SITE INFORMATION:

Existing Zoning: I-1 Proposed Zoning: C-3 LUO
Size of site (square feet and acres): 26879.15 sqft. Street frontage (feet): 337.1
0.617 acre

Existing Use of the Site: Vacant

Character and adequacy of adjoining streets: Asphalt Streets

Does public water serve the site? YES city water & Light

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

Does public sanitary sewer serve the site? YES - City water & Light

If not, how would sewer service be provided? _____

Use of adjoining properties:

North Commercial (Bill's)
South Commercial (Dollar Store)
East Commercial (Bill's)
West Gas Station (Exxon)

Physical characteristics of the site: Flat

Characteristics of the neighborhood: Commercial

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is 18 days prior to the next MAPC meeting. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

RESPONSE TO QUESTION NO. 13 FOR
THE ZONING ORDINANCE MAP AMENDMENT APPLICATION

The only adjoining landowner is Bill's Fresh Market, owned by Phillips Investment & Construction, Inc. which joins the property on the North and East. Johnson Avenue and Main Street border the property on the West and South. Its registered agent and president, Barry Phillips has in writing there is no objection to the proposed rezoning.

The landowner across the street to the west is Double Brown Properties, Inc. that owns the Exxon station. Its registered agent and president, Tim Brown has confirmed in writing there is no objection to the proposed rezoning.

The landowner across the street to the south is Elite Investments, LLC that owns the Dollar General store. Its co-owner and member, Chris Robinson has confirmed in writing there is no objection to the proposed rezoning.

SEE ATTACHED EMAILS

REZONING INFORMATION:

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

- (1). How was the property zoned when the current owner purchased it? Industrial
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? Re-zone to C-3 Low to assist with development
- (3). If rezoned, how would the property be developed and used? unknown at this point - property for sale
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? unknown
- (5). Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan? yes
- (6). How would the proposed rezoning be the public interest and benefit the community? Assist in sale + development of property + neighborhood.
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? would be identical to its neighbor - Bill's Fresh Market
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? limit its proposed use; limits reinvestment
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property. no adverse affect
- (10). How long has the property remained vacant? several years
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? no adverse affect
- (12). If the rezoning is approved, when would development or redevelopment begin? unknown
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.* see attached
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted. see attached

OWNERSHIP INFORMATION:

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

Owner of Record:

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

Name: Phillip Matthews Trust No. 1
Address: P.O. Box 445
City, State: Monette, AR ZIP 72447
Telephone: 870-530-5958
Facsimile: Linda Matthews
Signature: [Signature] for Trustee

Applicant:

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

Name: Womack, Phelps, Puryear, Mayfield + McNeil, PA
Address: 301 W. Washington
City, State: Jonesboro, AR ZIP 72401
Telephone: 870-932-0900
Facsimile: 870-932-2553
Signature: [Signature]

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

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Roger McNeil

From: Dan Phillips <pic@suddenlinkmail.com>
Sent: Wednesday, November 30, 2016 12:58 PM
To: Roger McNeil
Subject: RE: Adjoining property to Bill's Fresh Market-Johnson and Main

Roger,

We have no issues with you rezoning the property.

Thanks,
Barry Phillips

From: Roger McNeil [<mailto:rmcneil@wpmfirm.com>]
Sent: Wednesday, November 30, 2016 11:30 AM
To: pic@suddenlinkmail.com
Subject: FW: Adjoining property to Bill's Fresh Market-Johnson and Main

Barry,

Have you had a chance to consider email below?

Roger McNeil, Esq.



WOMACK PHELPS
PURYEAR MAYFIELD
& McNEIL, P.A.

301 West Washington | Jonesboro, AR 72401
PO Box 3077 | Jonesboro, AR 72403
O: 870.932.0900 | D: 870.336.6442
rmcneil@wpmfirm.com

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From: Roger McNeil
Sent: Monday, October 10, 2016 4:12 PM
To: 'pic@suddenlinkmail.com'
Subject: Adjoining property to Bill's Fresh Market-Johnson and Main

Barry,

Our client, Matthews Trust, owns property at northeast corner of Main and Johnson that joins your property on the north and east. It is currently zoned I-1 and like yours, want to rezone to C-3 with limited use overlay. The rezoning application asks about what neighboring landowners think. Wanted to contact you to see if any issues you all had with that property being rezoned to make it compatible to your property's zoning. Thanks.

Roger McNeil, Esq.

Roger McNeil

From: Tim O. Brown <timobrown@brownsgrad.com>
Sent: Monday, January 30, 2017 4:47 PM
To: Roger McNeil
Subject: Re: Matthews Trust property

Roger,
Thanks, I will not have any objections.
Tim O. Brown
Double Brown Properties

From: Roger McNeil <rmcneil@wpmfirm.com>
Date: Monday, January 30, 2017 8:02 AM
To: "Tim O. Brown" <timobrown@brownsgrad.com>
Subject: Matthews Trust property

Tim,

Attached is list of permitted uses of C-3 LUO we are seeking. You will see the 3 I crossed out that are excluded from our request. This matches Bill's Fresh Market zoning which adjoins Matthews Trust on north and east.

If you don't have any objection, please send reply email of same for my file. Thanks

Roger McNeil, Esq.



WOMACK PHELPS
PURYEAR MAYFIELD
& McNEIL, P.A.

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-----Original Message-----

From: DO_NOT_REPLY On Behalf Of DO_NOT_REPLY@
Sent: Monday, January 30, 2017 7:58 AM
To: Roger McNeil
Subject: Scanned image from MX-M850

Reply to: DO_NOT_REPLY@wpmfirm.com <DO_NOT_REPLY@wpmfirm.com> Device Name: WPM-145002 Device Model: MX-M1054
Location: Not Set

File Format: PDF MMR(G4)
Resolution: 400dpi x 400dpi

Attached file is scanned image in PDF format.
Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Roger McNeil

From: Robinson, Chris <ChrisRobinson@allstate.com>
Sent: Friday, January 27, 2017 2:21 PM
To: Roger McNeil
Subject: RE: Rezoning at Northeast corner of Main and Johnson

Mr. McNeil,

Everything below is correct but we only own the property that has the Dollar General on it.

Chris Robinson

From: Roger McNeil [rmcneil@wpmfirm.com]
Sent: Thursday, January 26, 2017 7:15 AM
To: Robinson, Chris
Subject: Rezoning at Northeast corner of Main and Johnson

Chris,

Thanks for the call back yesterday. This will confirm that you are one of the members of Elite Investments, LLC which owns the property on southeast corner of Main and Johnson here in Jonesboro that has Dollar General and Rent One stores on it. You stated that Elite Investments, LLC had no objection to the Matthews Trust property across the street from your property being rezoned from Industrial to C-3 with limited use overlay.

Please send me reply email confirming same for our file. Thanks

Roger McNeil, Esq.



WOMACK PHELPS
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RESPONSE TO QUESTION NO. 14 FOR
THE ZONING ORDINANCE MAP AMENDMENT APPLICATION

The following uses will be prohibited as part of the limited use: animal care, general; adult entertainment; and off-premises sign. All other C-3 general commercial uses could be used.

List of Commercial Uses	C-3 General Commercial	List of Commercial Uses	C-3 General Commercial
<i>Civic and commercial uses</i>		<i>Civic and commercial uses</i>	
Animal care, general	Permitted	Nursing home	Permitted
Animal care, limited	Permitted	Office, general	Permitted
Auditorium or stadium	Conditional	Parking lot, commercial	Permitted
Automated teller machine	Permitted	Parks and recreation	Permitted
Bank or financial institution	Permitted	Pawn shops	Permitted
Bed and breakfast	Permitted	Post office	Permitted
Carwash	Permitted	Recreation/entertainment, indoor	Permitted
Cemetery	Permitted	Recreation/entertainment, outdoor	Permitted
Church	Permitted	Recreational vehicle park	Permitted
College or university	Permitted	Restaurant, fast-food	Permitted
Communication tower	Conditional	Restaurant, general	Permitted
		Retail/service	Permitted
Convenience store	Permitted	Safety services	Permitted
Day care, limited (family home)	Permitted	School, elementary, middle and high	Permitted
Day care, general	Permitted	Service station	Permitted
Entertainment, adult	Conditional	Sign, off-premises*	Permitted
Funeral home	Permitted	Utility, major	Conditional
Golf course	Permitted	Utility, minor	Permitted
Government service	Permitted	Vehicle and equipment sales	Permitted
Hospital	Permitted	Vehicle repair, general	Permitted
Hotel or motel	Permitted	Vehicle repair, limited	Permitted
Library	Permitted	Vocational school	Permitted
Medical service/office	Permitted	Warehouse, residential (mini) storage	Conditional
Museum	Permitted	<i>Industrial, manufacturing and extractive uses</i>	
<i>Agricultural uses</i>		Freight terminal	Conditional
Agriculture, animal	Conditional	Research services	Conditional
Agriculture, farmers market	Permitted		