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Minutes for the MAPC meeting on August 13, 2002.

Metropolitan Area Planning Commission Minutes, August 13, 2002

MEMBERS PRESENT: Beadles, Damron, Gott, Krennerich, Johnson, Shaw, Farmer Street (present for items 1-6)

MEMBERS ABSENT: Little

OTHERS PRESENT: Glenn Batten, City Planner; Claude Martin, City Engineer; Phillip Crego, City Attorney; Brian Wadley, Planning Coordinator

Mr. Damron made a motion to approve the minutes of the July 9, 2002 meeting with an amendment to item #3 to add Mr. Gott’s vote. The motion was seconded by Ms. Shaw. All members present voting aye, MOTION CARRIED.

It was announced that item #13 which is a review and possible approval of the “Specifications for a site development plan” will not be discussed at this meeting but will be discussed at a public hearing on September 10, 2002 from 6:00 p.m. until 7:00 p.m. Advance, written comments are encouraged and welcomed.

#1 RZ02-24 Glen Thrash requested approval of rezoning from the Residential R-1 Single-Family Medium Density District to the Commercial C-3 General Commercial District for Lots 6 & 7, Block F in F W Caldwell’s Subdivision. The address of the property is 3400 E. Johnson Avenue, and the general location of the property is on the north side of Johnson Avenue, approximately 700’ west of Old Greensboro Road.

City Planner Glenn Batten, pointed out that there is conflict between the proposed Land Use Map which shows thoroughfare commercial for this property, and the text of the Comprehensive Plan which promotes commercial nodes. The proposal is consistent with the Land Use Plan and marginally consistent with the Comprehensive Plan. The proposal is compatible with the surrounding uses and character. The terrain of the land is sloping away from the street and would require much fill and grading to adapt the site to commercial uses. Sanitary

sewer is not immediately available and will require an extension to the site. The lack of sewer could allow some uses that are less compatible and intrusive to the area.

Item #1 cont... Mr. Batten proposed a lesser intensive zoning of C-4 which allows uses that are more compatible with the physical characteristics of the site and would minimize the removal of existing trees. Mr. Thrash and Bob Harrison, his real estate agent, both objected to the C-4 zoning. Zoning to the east and south is C-3, and I-1 is on the north side.

A motion was made by Ms. Shaw to recommend approval of the C-3 zoning to the City Council. Mr. Krennerich seconded the motion. Voting was 7 in favor, 0 opposed. Those voting aye were Shaw, Krennerich, Damron, Gott, Street, Johnson, Farmer, MOTION CARRIED, REQUEST APPROVED.

#2 RZ02-26 Robin Nix requested approval of rezoning from the Residential R-1 Single-Family Medium Density District to the Commercial C-4 Neighborhood Commercial District for Lot 9 of Block 12 of the Ridgecrest Addition. The address of the property is 2605 Circle Drive.

Mr. Nix stated that he had spoken with Glenn Batten some time back and discussed the rezoning of the property and C-4 wasn't necessarily what was desired but is what was recommended by Mr. Batten. Mr. Nix further stated that he would be agreeable with C-5 zoning for professional offices or R-2 zoning to build a four plex, or whatever the Planning Commission felt was appropriate, that he was not hung up on C-4 zoning.

Some area residents spoke in opposition to the request citing the unknown use of the property, traffic, surrounding residential homes and safety of children in the area as reasons for opposing the rezoning.

Glenn Batten, City Planner, informed the commissioners that he had discussed this rezoning with Mr. Nix. Glenn stated they discussed various uses including offices and multi-family and that he did recommend C-4 zoning without having visited the site. Visiting the property and evaluating the site has changed things. The site is not vacant as originally thought and has a home that can be upgraded for residential use. The property is well screened from the shopping center next door and is completely separated. The car wash is also well screened from the property and is a good example of how buffering should be done to separate commercial uses from residential uses. After looking at it, Mr. Batten stated that did not think it proper to penetrate this neighborhood with any other type of uses.

Mr. Street made a motion to disapprove the request to prevent commercial uses from entering a well established neighborhood. The motion was seconded by Mr. Gott. Voting was 6 in favor, 1 opposed. Those voting aye were Street, Johnson, Shaw, Farmer, Damron, Gott. Those voting no were Krennerich. MOTION CARRIED, REQUEST DISAPPROVED.

#3 RZ02-27 Mabe Spurlock requested approval of rezoning from the Industrial I-2 General Industrial District to the Commercial C-3 General Commercial District for Lot 20 of Harmon Industrial Park Second Addition. The general location of the property is on the southwest corner of Highland Drive and Nestle Way.

WITHDRAWN PRIOR TO MEETING.

#4 RZ02-28 The City Of Jonesboro requested approval of rezoning from the Residential R-2 Multi-Family Low Density District to the Residential R-2A Multi-Family Medium Density District for Lot 1 of Huntington Avenue Methodist Church Minor Plat and a part of Lot of Lot 2, Block N of Nisbett's Addition. The address of the property is 900 W. Monroe Avenue and the general location of the property is on the northwest corner of Monroe Avenue and Vine Street.

Pam Honeycutt, an adjacent property owner, opposed the rezoning citing reasons of increased traffic, noise and trash from various types of functions, parking on portions of her property, and the location of two trash dumpsters adjacent to her fence. Food is prepared here everyday and there's a lot of problems associated with that. Ms. Honeycutt contended that it was being turned into a commercial enterprise. She further stated that her request to open a law office at her home was refused because of the R-2 Zoning. If the rezoning is approved, Ms. Honeycutt asked that she be involved in the selection of fencing, screening and buffering.

Bill Ebbert stated that he wanted the City to be required to follow the same requirements and codes that others are required to follow. Mr. Ebbert stated he felt like this was spot zoning. He further objected to the location of the rezoning signs on the city's right of way.

Glenn Batten, City Planner, stated there are two issues here, first the rezoning and then the conditional use permit. The expanded use as an adult daycare is what created the need for rezoning. The use of this building as a Senior Center was a permitted use, but the expanded use as a daycare was not unless it is rezoned. Mr. Batten recommended approval of the rezoning to R-2A.

There was some concern expressed by Commissioners over the current conditions. Mr. Batten stated that an alternative would be to rezone to an R-2A, LU-O which would limit the use and bring about other needed actions including a site plan. Dumpster odors, the frequency of pickups needs to be addressed as well as their relocation away from the residential properties. A complete site development plan should be prepared by the City that would include property line identification, dumpster locations, landscaping, screening and buffering along the west line. Implementation of the site plan completing all required screening as well as the relocation of the dumpsters; installation of curbing along the west line. A tree and/or landscaping buffer might be better than a fence in some locations.

Proper inspections and a certificate of occupancy must be received before using the building.

Commissioner Alex Farmer asked what the City's position was with regard to the improvements and site plan requirements. Brian Wadley, Planning Coordinator, stated that all items discussed are very important and that they need to be and should be addressed but that he did not have authority to commit for the City.

Alderman Ron Kelton came forward and informed the commissioners that the P & I Committee were working to eliminate the double standard between the City and private development. Noncompliances on behalf of the city are going to be looked at. He said he fully expected the City of Jonesboro to come into compliance.

Both Ms. Honeycutt and Mr. Ebbert requested that the item be tabled until a plan of action is completed and/or the improvements completed.

Mr. Johnson made a motion to disapprove the request with Ms. Shaw making the second. Voting was 2 in favor, 5 opposed. Those voting aye were Johnson and Shaw. Those voting no were Damron, Gott, Street, Krennerich, Farmer. MOTION FAILED.

A second motion Mr. Krennerich made a motion to recommend approval of the rezoning to the City Council as an R-2A Limited Use Overlay, instead of R-2, and to approve the conditional use. Mr. Krennerich stipulated that the uses be limited to: (A) Governmental services, including public assembly; (B) Day Care, General, specifically adult day care; (C) Senior citizen center

It is further stipulated that: (A) A complete site development plan be prepared and submitted to the City Planner

showing the location and screening of dumpsters and landscaping buffer and screen and/or fence along the west property line. Curbing of the parking lot along the west property line must also be shown; (B) The site plan be implemented, completing all required screening; and (C) Complete all required building improvements and modifications, successfully pass city inspections, and receive a certificate of occupancy.

The motion was seconded by Mr. Street. Voting was 5 in favor, 2 opposed. Those voting aye were Damron, Gott, Street, Krennerich, Farmer. Those voting no were Johnson and Shaw. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#5 CU02-12 The City of Jonesboro requested approval of a conditional use to have a Day Care, General in the R-2A Multi-Family Medium Density District. The address of the property is 900 W. Monroe Avenue and the general location of the property is on the northwest corner of Monroe Avenue and Vine Street.

Action on this item was covered in the motion for item #4.

#6 CU02-11 Mo-Ark Communications, or its assignee, requested approval of a conditional use to construct a communications tower in the C-1 Downtown Core Commercial District. The address of the property is 311 W. Huntington Avenue.

Steve Hubbard, representing Mo-Ark, stated that a tower currently located at the Southwestern Bell Office was going to be removed and this tower would replace the lost service from that tower.

Opposition was expressed by several property owners in the area and a petition was presented containing 13 signatures of area owners who are opposed to the location of this tower on this site. There was concern that this would discourage additional development or redevelopment of this downtown area as well as compromise the safety of people and property in the area.

A motion was made by Ms. Shaw to disapprove the request citing the downtown study by Hyatt/Palma which contained no provisions for this type of development. The motion was seconded by Mr. Krennerich. Voting was 7 in favor, 0 opposed. Those voting aye were Damron, Gott, Street, Krennerich, Johnson, Shaw, Farmer, MOTION CARRIED, REQUEST DISAPPROVED.

#7 FP02-14 Eddie Foster requested final approval of subdivision plans for Brittney Heights Subdivision containing 15 lots on 5.23 acres. The general location of the property is on the south side of Prospect Road, on the east and west sides of Ellis Lane.

This is actually a replat of existing lots and the utilities are in place. The street will be paved with curb and gutter.

Mr. Krennerich made a motion to approve the request with the following stipulations:

1. Approval of the street construction plans by the City Engineer.
2. Granting a 7.5' utility easement on the south side of Lot 7
3. Granting a 10' utility easement to the rear of Lots 8 & 9
4. Changed wording on easements from telecommunications easement to be just a utility easement
5. Show the percentage grades on centerline on the plan and profile sheets
6. Enlarge the design of the intersection of Prospect Road and Ellis Lane

The motion was seconded by Mr. Gott. Voting was 6 in favor, 0 opposed. Those voting aye were Damron,

Gott, Krennerich, Johnson, Shaw, Farmer, MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#8 PP02-15 Mitchell Caldwell requested preliminary approval of subdivision plans for Caldwell Acres Fourth Addition containing 39 lots on 9.90 acres. The general location of the property is on the east side of Richardson Road, north of Keely Drive.

WITHDRAWN.

#9 PP02-16 Mitchell Caldwell requested preliminary approval of subdivision plans for Caldwell Acres Fifth Addition containing 19 lots on 4.30 acres. The general location of the property is on the east side of Richardson Drive, and is continuation of Keely Drive.

WITHDRAWN.

#10 PP02-17 Mitchell Caldwell requested preliminary approval of subdivision plans for Caldwell Acres Sixth Addition containing 19 lots 4.44 acres. The general location of the property is on the east side of Richardson Road, north of Keely Drive.

WITHDRAWN.

#11 FP02-15 Carroll Caldwell requested final approval of subdivision plans for Friendly Hope Estates Phase IV containing 17 lots on 6.74 acres. The general location of the property is east of Friendly Hope Road, on the north and south sides of Bowden Drive.

A motion was made by Ms. Shaw and seconded by Mr. Damron to table this item due to lack of representation. Voting was 6 in favor, 0 opposed. Those voting aye were Damron, Gott, Krennerich, Johnson, Shaw, Farmer, MOTION CARRIED, REQUEST TABLED.

As the vote was concluding on this item, the project engineer, George Hamman, entered the room. A motion was made by Mr. Krennerich to untable the request. The motion was seconded by Mr. Farmer. Voting was 6 in favor, 0 opposed. Those voting aye were Damron, Gott, Krennerich, Johnson, Shaw, Farmer, MOTION CARRIED, REQUEST UNTABLED.

Mr. Krennerich made a motion to approve the request with the following stipulations;

1. Changing the wording on the easements from telecommunications to be just utility easement
2. Drainage easement and utility easement need to be flopped on the east side to show the drainage easement on the property line and the utility easement adjacent but further up into the lot

The motion was seconded by Mr. Gott. Voting was 6 in favor, 0 opposed. Those voting aye were Damron, Gott, Krennerich, Johnson, Shaw, Farmer, MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#12 City Planner requested review and possible approval of the "Specifications for a site development plan."

No action taken on this item. A public hearing was scheduled for September 10, 2002 at 6:00 p.m.