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METROPOLITAN AREA PLANNING COMMISSION
JUNE 8, 1993

MEMBERS PRESENT: Coleman, Finley, Damron, Little, Baker, McCracken

MEMBERS ABSENT: Alston

The minutes of the 05-11-93 meeting were approved as amended.

#1 An ordinance to establish minimum standards for the construction of vehicular use areas.

Jim Shaw, City Planner, informed the Commissioners and those in attendance that several work sessions had been held to discuss the proposed ordinance. The ordinance is basically an update of the parking regulations currently in place. Several of the items included in the ordinance have been a matter of policy that the staff has required over the years. Parking space sizes, width of drive aisles, setback distances are some of the items addressed. The bulk of the ordinance covers specific number of required parking spaces for each type of use. In some cases the parking requirements would be increased from what they are not, but in most cases fewer spaces would be required. Another requirement is that all parking spaces would be required to be accessed by internal drives except in single and two-family dwellings.

Parking in the front yard setback area is not allowed in single and two-family dwellings. Some questions were raised about parking in the setback in areas that are not single or two-family units. Currently required parking spaces may not be placed in the building setbacks.

Mr. McCracken made a motion to recommend to the City Council that the ordinance be adopted as prepared by the City Planner. A part of the recommendation is for the Planner to reevaluate the question concerning multifamily residential units in regard to parking in the front yard setback area. Whatever decision the Planner feels is appropriate should be forwarded to the City Council. Mr. McCracken also stated that in Section 4 (e) the wording needed to be changed from required to permitted. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. ORDINANCE RECOMMENDED FOR ADOPTION.

#2 RZ93-23 Neil Stallings requested approval of rezoning from R-1 to C-3 for .54 acre located on the southeast corner of Parker Road and Stadium Boulevard.

A motion to approve the request was made by Mr. Baker and seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#3 MP93-36 Neil Stallings requested approval of a one lot minor plat containing 0.54 acre. The property is located on the southeast corner of Parker Road and Stadium Boulevard.

A motion to approve the request was made by Mr. McCracken seconded by Mr. Baker subject to a 10' utility easement along the north property line. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#4 RZ93-24 Bob Bennett requests approval of rezoning from AG-1 to I-1 for 4.54 acres located on the east side of Commerce Drive, north of Opportunity Drive.

It was noted that clarification was needed in regard to the flood plain status. This property is adjacent to I-2 zoning on two sides and agricultural zoning on two sides. The right of way delineation was not clear on the plat.

When asked why they were asking for I-1 instead of I-2, Troy Sheets responded that the restrictions and requirements of I-2 was the reason for requesting I-1.

Ms. Finley made a motion to approve the request subject to clarification on the plat of both the status of the flood plain and the street right-of-way. The motion was seconded by Mr. Little. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#5 MP93-34 Bob Bennett requested approval of a one lot minor plat containing 4.44 acres. The property is located on the east side of Commerce Drive, north of Opportunity Drive.

Mr. McCracken made a motion to approve the request subject to clarification on the plat of both the status of the flood plain and the street right-of-way. The motion was seconded by Mr. Baker. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#6 RP93-19 Gary Tate requested approval of a replat of Lot 26 of the replat of Ranchette Acres. The property is located on the southwest corner of Ranchette Drive and Cresendo Drive. It was noted that utility easements were requested in two different areas of the property. In an earlier request on the north side of Ranchette Drive, full street improvements were required on one half of the street.

Mr. McCracken made a motion to approve the request subject to street improvements being installed, including curb, gutter and paving for one half of a street to city specifications on both Ranchette Drive and Cresendo Drive where they adjoin this property. Mr. McCracken further stipulated that utility easements be granted unless waived by the appropriate utility. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#7 RZ93-26 John Prunty and Jessie Martin requested approval of rezoning from R-2 to C-2 for a part of Lots 7 and 11, Block 3 of the Broadway Addition. The property is located on the south side of Creath Avenue, east of Fisher Street.

This property is the former site of Mr. Bill's Grocery Store that has been closed for several years. A previous rezoning request disapproved in December of 1991. Ray Nickle, representing the property owners, stated that his clients wanted to open a game room business for the kids from the area to have something to do and a place to go. The Commission explained that once a zoning is changed that all legal uses in that district would be allowed, that zoning is not changed for specific uses. The City can not restrict uses that are legal in any zoning district. This property owner would not be bound to a specific use. The Commission stated that there probably is a need to provide activities for children in the community and get them off the streets but to select a piece of property in the middle of a residential neighborhood was not the proper place. It was noted from the block map that the zoning in all directions for quite a distance is R-2. It was stated that in the appropriate place this would be a good thing for the community.

Several neighbors and long time residents in the area spoke in opposition to the request stating they wanted the property to remain residential. Fear of additional drug traffic in the neighborhood, excessive vehicular traffic on residential streets, hours of operation, loud noise and music were the main areas of concern. Some neighbors stated that conditions which are already bad in the area would be worsened and that a game room or a pool hall would cause even further deterioration of the residential neighborhood.

A motion to approve the request was made by Mr. Little and seconded by Ms. Finley. Voting was 2 in favor, 3 opposed. Five affirmative votes are required for a recommendation of approval to City Council. MOTION FAILED.

#8 RZ93-27 Dick Rowand requested approval of rezoning from R-1 to C-4 for 2.41 acres located on the north side of West Washington Avenue, west of Jeramy Drive.

When asked why he was requesting C-4 zoning, Mr. Rowand stated that he wanted to locate his contractors' office on this site. Equipment, road materials and other construction items would be stored on the site. It was noted that the C-4 zoning district is a specific use ordinance, typically a retailing district, and would not allow this type use. The, I-1 zoning district was determined suitable for his use especially considering its proximity to the railroad. There are other I-1 uses in the area as well. It was noted that the I-1 was a lesser restrictive zoning district than the C-4 district and therefore would have to be re-advertised.

It was noted that in previous years when the Commission had addressed W. Washington from Gee Street to the 63 Bypass that some action was taken to indicate that the zoning would be encouraged or permitted as commercial/industrial.

A motion to table was made by Mr. Little and seconded by Mr. Damron until a new request for I-1 zoning be filed. Voting was 5 in favor, 0 opposed. REQUEST TABLED.

#9MP93-35 Dick Rowand requested approval of a minor plat containing 2.41 acres. The property is located on the north side of W. Washington Avenue, West of Jeramy Drive.

Ms. Finley made a motion to approve the request subject to the plat being revised to show the right-of-way no less than 41' from centerline on Washington Avenue and subject to the property owner entering into a street improvement agreement for future improvements on Washington. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#10 RZ93-28 Bob Harrison, Keith Petrek and Jeff Green requested approval of rezoning from R-1 to R-2 for 1.1 acres located on the east side of Caraway Road at the east end of Sunny Meadow Cove. It was stated that

there is a problem with the road shown as Sunny Meadow Cove in a private drive and would have to be dedicated to the city before additional development could take place. There was no one in attendance to address the item.

A motion to table the request was made by Mr. Damron and seconded by Mr. Little. Voting was 5 in favor, 0 opposed. REQUEST TABLED.

#11 RZ93-29 Ben Flynn requested approval of rezoning from R-1 to C-3 for 4.11 acres located on the west side of Stadium Boulevard, south of Orval Orlan Drive.

This property is adjoined by C-3 property on the south side that is also owned by Mr. Flynn. There are also several other C-3 zoning districts in the surrounding areas.

A motion to approve the rezoning was made by Mr. McCracken and seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#12 MP93-32 Ben Flynn requested approval of a two lot minor plat containing 4.11 acres. The property is located on the west side of Stadium Boulevard, south of Orval Orlan Drive.

A motion to approve was made by Mr. McCracken subject to a drainage easement of at least 30' being dedicated from the top of ditch bank on Higginbottom Creek and subject to the existing sanitary sewer easement being shown on the plan. The motion was seconded by Mr. Little. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#13 RZ93-30 Wal-Mart Stores, Inc. requested approval of rezoning from R-1 to C-3 for 20.8 acres located on the north side of Race Street, between Caraway Road and Bernard Street.

It was noted that this is the proposed site of a Sam's Wholesale Club and adjoins C-3 zoning on two sides. A site plan for this property has been submitted and will be considered as another matter.

A motion to approve the rezoning was made by Ms. Finley and seconded by Mr. Baker. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#14 PP93-11 Wal-Mart Stores, Inc. requested preliminary approval of subdivision plans for the West Branch Commercial Addition, as subdivision containing three lots of 20.83 acres. The property is located on the north side of Race Street, between Caraway Road and Bernard Street.

The Commission inquired as to what was proposed for Bernard Street which is a dedicated, but unimproved street at this time. Some of the other property owners in the area stated that they felt Bernard Street needed to be completed all the way from Race Street to the existing, improved portion of Bernard so that more access to the area is provided and the existing traffic problems are not compounded. It was stated that street improvements north of this property would be considered as a part of the site plan.

A representative of Wal-Mart stated that improvements on Caraway Road included enclosing the ditch and extending the deceleration lane south from its present ending.

Mr. McCracken made a motion to grant preliminary approval of the subdivision plan with the following stipulations:

1. The plans are revised to show the right-of-way at 41' from centerline which is the property line.
2. The ditch along Caraway Road is fully enclosed with pipe along with whatever drainage structures are necessary.
3. Street improvements are installed on Bernard Street to fully comply with city specifications for a 30' street where it adjoins this property. Complete detailed plans for the street should be included in the final plans.

The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED PRELIMINARY WITH STIPULATIONS.

#15 SP93-20 Wal-Mart Stores, Inc. requested approval of site plans for Sams Wholesale Club. The building contains 113,716 sq. ft. and is located on the north side of Race Street, between Caraway Road and Bernard Street.

Mandy Bunch, a representative of Wal-Mart, stated the company will be building a store in Jonesboro unlike any that have been built elsewhere. Noting that the site is densely covered with trees, she stated they wanted to maintain as many trees as possible on this site and that steps were underway to identify the trees on this site that are suitable for transplanting. The transplantable trees would be relocated to the detention basin located behind the old Wal-Mart Store. They want as much of the property as possible to stay in its natural state. Many of the trees around the perimeter of the property will be left intact. It was stated that if this site is approved with those trees intact, before this area could be disturbed and additional development take place, it would have to come before the Commission again.

There were several comments and questions asked concerning the retention basin at the old Wal-Mart Store. Ms. Bunch stated that they were very concerned about the condition of the detention basin at the old site and its completion. A letter was submitted from Wal-Mart stating that the contract for the Sam's construction would include completion of the old basin. The letter further stated that bids and contracts were expected to be let in August with November of 1993 as the projected completion date for the old detention basin.

Construction on the Sam's and the old basin would be simultaneous. The Commission stated that they had no problem with the work being done on the basin in conjunction with the Sam's project but did not want the old basin to be tied to this Sam's project, noting that the site had changed several times and as yet the basin is not complete. It was stated the basin was approved with the location of the Supercenter and was independent of this site. Permits were issued contingent upon the basin being completed. There was some concern expressed about the proposed new detention basin on the Sam's site. Some feared that it would be left in the same shape as the old detention basin.

Other issues that were discussed related to the drainage pipes along Caraway Road and the pipes entering the detention basin from the west near the church property. Ms. Bunch stated that approximately 125 acres drained through this area. Guy Lowes, City Engineer, stated that he did not want the water to be hindered from entering the basin and thereby ponding on the adjoining property. Ms. Bunch said this would be thoroughly addressed. It was further stated that great amounts of time and detail are going into the preparation of this site and the site should be a good site, that it was not your typical pavement and roof type of site.

The warehouse appearance of other Sam's location was a concern of those in attendance who stated that this would not be in keeping with surrounding development. There was concern expressed by several in attendance about the outside appearance of the project and the fear that it would look much like the Supercenter where there were very many cardboard bales stored in various places, damaged shopping carts, new shopping carts, wooden pallets, un-kept trash dumpsters and surrounding areas, creates, tractor trailers used for storage and the

unfinished, non-maintained detention basin. Pictures of the outside of the Supercenter were shown. It was requested that this type of outside storage, an eyesore, not be allowed and further that the neighbors be shielded from such. The comment was also made that they would like to see the detention basin moved elsewhere, possibly off site. There was also a concern about boxes, trash and other Debris that would be blowing from the site. Concern was also expressed about the truck traffic that would be occurring particularly on Sundays. A request was specifically made that a fence be required on the site on the north, south and west sides and the southeast corner. Ms. Bunch stated that the proposed building will be built lower than the street so that the grades of the land are not disturbed and that a 6' fence would shield most everything but the top six to ten feet of the building.

When asked what the material content was for the exterior of the building, Ms Bunch stated that she did not know what was proposed for this store. She did state that typical Sam's construction is a metal building. Elevation drawings were requested to be available when requesting final approval.

It was stated that considering the numerous factors that need further consideration and the fact that rezoning has to proceed to the City Council and final subdivision plans will be coming back for final approval that it seems appropriate to consider these plans preliminary.

Mr. McCracken made a motion to grant preliminary approval of the site plans with the following stipulations:

1. Addressing the City Engineer's comments contained in the staff report.
2. Investigate other means of handling the detention basin including a review of other possible locations for it.
3. The City Engineer reviewing the question of trees proposed to be in the street right-of-way and if that should be allowed.
4. Furnishing a report on the traffic study of the area that is underway.
5. Transference of the obligation of the traffic signal that was entered into for Bernard and Highland to the intersection of Race Street and Caraway Road.
6. Fencing being considered on the south, west and north sides of the property as well as on the west and north side of Dacus property on the northwest corner of Race and Caraway.
7. Enclosing the ditch on Caraway Road with pipe, curb, gutter, appropriate street improvements and whatever structures are necessary.
8. Completion of this detention basin and the old detention basin subject to city engineer approval with both being completed prior to the opening of this site for business.
9. Construction of a deceleration lane on Caraway Road from its present ending southward to the property line.
10. Evaluation of outside storage and appearance of the building.
11. Provide elevation drawings for all sides of the building with an indication of construction materials and color.
12. A revised letter from Wal-Mart with regard to the old detention basin acknowledging the fact that while they may want to complete it in conjunction with the Sam's site they are obligated to complete it whether or not Sam's progresses and establishing a firm completion date for the old basin irrespective of the Sam's project.

The motion was seconded by Ms. Finley. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

After voting on the motion, another motion was made by Mr. McCracken and seconded by Ms. Finley to amend the previous motion to include street improvements being installed on Bernard Street northward to connect to

the existing improvements. Voting was 5 in favor, 0 opposed. MOTION CARRIED.

#16 RZ93-31 Phillips Investments, Inc. requested approval of rezoning from R-1 to C-3 for 36.67 acres located on the west side of Stadium Blvd., south of Stadium Square.

This property is adjoined by C-3 property on two sides with several C-3 Properties in the surrounding area. The Commission stated they were glad to see a commercial development that did not address just the highway frontage for commercial development, but has interior streets and drives would provide access to the development.

A motion to approve the rezoning was made by Mr. McCracken and seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#17 PP93-10 Phillips Investment, Inc. requested preliminary approval of the Thomas Addition, a commercial subdivision containing 14 lots on 36.67 acres. The property is located on the west side of Stadium Boulevard, south of Stadium Square.

It was noted that the cul-de-sac shown on the plan was going to be eliminated and the street dedication continued to the property line.

Mr. McCracken made a motion to grant preliminary approval of the entire subdivision with the stipulation that the appropriate street improvement documents be supplied on the final plans. The motion was seconded by Mr. Little. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

No action was taken on a request by the owners for final approval of the three lots in Phase I. It was stated that in all likelihood, the zoning would be finalized by the City Council within a week of the next MAPC meeting.

#18 RZ93-14 Anita Langston Arnold requested approval of rezoning from R-1 to C-3 for 4.8 acres located on the southeast corner of Paragould Drive and Johnson Avenue (Hwy.49).

Mr. Arnold stated to the Commission that he had no plans of developing the land himself. He stated that the land would be offered for sale and the commercial zoning would help his chances. The land has large ditches along the south and east property lines. There are presently two R-1 subdivisions that border of these same ditches on the east and south sides of the property.

It was noted that in recent weeks the City Council had approved a rezoning on adjacent lands with several stipulations. The depth of that land was 300'. The request for this property is to a depth of 540'. Mr. Arnold stated that he would object to only 300' of the property being rezoned.

There were several in attendance from nearby subdivisions opposed to this request. An adjoining landowner stated that in recent months he had an R-1 subdivision approved which he intended to develop residentially. His property adjoins the property in question. It was also stated that the with the exception of a couple of nonconforming businesses that the entire area was developed with nice, residential, single family dwellings. A petition containing 81 signatures of people opposed to the request was submitted. Another concern was the devaluation of the residential property immediately adjacent to and across the street. The residents were also concerned about what might locate on this property realizing that C-3 is a general commercial classification.

Mr. McCracken made a motion to disapprove the rezoning. The motion was seconded by Mr. Little. Voting was 5 in favor, 0 opposed. REQUEST DISAPPROVED.

#19 RZ93-15 Francis Ellison and H.N. Murray requested approval of rezoning from R-1 to C-3 for 7.13 acres located on the southwest corner of Paragould Drive and Johnson Avenue (Hwy. 49).

This property is directly west of the Arnold property discussed on the previous request (#18). On this site there is a title company and four residential structures that are currently used for residential.

Jim Lyons, representing the owners, stated they were planning expansions to the Murray Tile Company and therefore they are requesting the change in zoning.

It was noted that the City Council has taken action on Monday, June 7, 1993, with regard to extending the registration deadline for nonconforming uses. The ordinance itself deals with the restoration of, expansion of and changes in the use of an existing nonconforming use that was annexed in 1989. The deadline has been extended to December 31, 1993. Mr. Murray would be eligible to register his use and expand it by 40% of the existing square footage or possibly larger with approval of the Planning Commission. The rezoning of the property would bring one use into compliance and create four nonconforming uses.

Francis Ellison stated they had no conversion plans for the existing homes or property but did not desire to live there the rest of their lives. She further stated that the property would be offered for sale at some time in the future if rezoned. Ms. Ellison stated that when they build their home they were on a two lane road that is now four lanes.

The same opposition to the request by Anita Arnold was also expressed concerning this request; however, most of those who spoke in opposition to the Arnold request stated they are immediately adjacent to this property. Their back yards and their neighbor's back yards, eight homes, would adjoin the Ellison and Murray property.

Mr. Baker made a motion to deny the request based on the fact that the Murray Tile Company has an avenue to be able to expand or rebuild their business with the action of the City Council in regards to nonconforming uses. The other property currently has four homes which would become nonconforming. The motion was seconded by Ms. Finley. Voting was 5 in favor, 0 opposed. REQUEST DISAPPROVED.

#20 FP93-14 John Morris requested final approval of Woodsprings Forest Phase I, containing 18 lots on 8.08 acres. The property is located on the north side of Casey Springs Road, west of the Woodsprings Estates Subdivisions.

#21 SP93-21 Dixon Auto Parts requested approval of site plans for an additional structure to be built. The proposed structure contains 1,200 sq. ft. and is located on the southeast corner of Airport Road and E. Johnson Avenue.

It was noted that the area on the lot was sufficient to meet the parking requirement but no parking spaces are shown. Mr. Dixon stated that he would get his engineer to add the spaces.

A motion to approve the request was made by Mr. Damron and seconded by Mr. Baker. Voting was 4 in favor, 1 opposed. REQUEST APPROVED.

#22 MP-33 Jim Gillis requested approval of a two lot minor plat containing 13.16 acres. The property is located on the south side of Parker Road, west of Mead Drive.

A motion to approve the request was made by Mr. Little and seconded by Ms. Finley. Voting was 5 in favor, 0

opposed. REQUEST APPROVED.

Meeting adjourned at 11:45 p.m.