



Legislation Details (With Text)

File #: MIN-94:1435 **Version:** 1 **Name:**
Type: Minutes **Status:** Passed
File created: 6/14/1994 **In control:** Metropolitan Area Planning Commission
On agenda: **Final action:** 7/12/1994
Title: METROPOLITAN AREA PLANNING COMMISSION
JUNE 14, 1994
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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METROPOLITAN AREA PLANNING COMMISSION JUNE 14, 1994

MEMBERS PRESENT: Coleman, Little, McCracken, Phillips, Damron, Shaw (present after item #8)

MEMBERS ABSENT: Finley

The minutes of the 5-10-94 meeting were approved as mailed.

Chairman Coleman opened the floor for discussion of the proposed amendments to the R-2 and R-3 zoning ordinances. A public hearing was scheduled but was later cancelled. There was no one in attendance who spoke concerning the ordinance. Action on the ordinance will be deferred due to the fact that a consultant has been hired to prepare a land use plan including new zoning regulations.

#1 SU94-7 Lorene Bishop requested approval of placement of a mobile home at 2039 W. Nettleton Avenue.

Item withdrawn and will go to the City Council for a medical hardship approval.

#2 SU94-8 Tim and Nita Daniels requested approval of placement of a mobile home at 4209 Richardson Road.

Mr. McCracken made a motion to approve the request, seconded by Mr. Damron. Voting was 4 in favor, 0 opposed, REQUEST APPROVED.

#3 SU94-9 Randy Willett requested approval of placement of a mobile home on Daybreak Drive at the intersection of Warren Street Extended.

Mr. McCracken made a motion to approve the request, seconded by Mr. Damron. Voting was 4 in favor, 0 opposed, REQUEST APPROVED.

#4 RZ94-20 Farmer Enterprises requested approval of rezoning from R-1 to I-2 for 53.37 acres located on the

southwest side of Highway 63 Bypass, east of Highway 463 (Nettleton Avenue).

This property adjoins property that was rezoned to I-2 last month, adjacent to the industrial park area.

Mr. Little moved to approve the request, seconded by Mr. McCracken. Voting was 5 in favor, 0 opposed, REQUEST APPROVED.

#5 RZ94-21 Windchimes by Russco, III, Inc. requested approval of rezoning from R-1 to I-1 for 1.331 acres located on the east side of Stadium Blvd., approximately 600' south of Harrisburg Road.

This zoning request is to bring existing zoning into compliance with usage and to allow for expansion of the manufacturing operations.

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

#6 MP94-26 Windchimes by Russco, III, Inc. requested approval of a one lot minor plat containing 1.331 acres. The property is located on the east side of Stadium Blvd., approximately 600' south of Harrisburg Road.

Mr. McCracken made a motion to approve the request, seconded by Mr. Phillips. Voting was 4 in favor, 0 opposed, REQUEST APPROVED.

#7 SP94-21 Windchimes by Russco, III, Inc. requested approval of site plans for expansion of their existing facility. The existing structure contains 7,800 sq. ft. The proposed expansion contains 5,000 sq. ft. The property is located on the east side of Stadium Blvd., approximately 600' south of Harrisburg Road.

The property owner needs to increase the proposed second building from a 50'x100' building as shown on the site plan submitted to 60'x100'. This takes away some of the parking and will place the building on the north side closer than the setback allowance.

Mr. Little made a motion to approve the request subject to the Board of Zoning Adjustments granting approval on the parking and setback requirements. Mr. Little further moved that city staff be given the authority to approve the revised site plan. Mr. Phillips seconded the motion. Voting was 3 in favor, 1 no, REQUEST APPROVED WITH STIPULATIONS.

#8 RZ94-22 Mike Massanelli requested approval of rezoning from R-1 to R-2 for Lot 2, 3 and a part of Lot 6 of Charles A. Stuck Subdivision of Lots 8 & 9, Block C of Culberhouse Addition.

The owner of the property stated their intent for the rezoning is to build duplexes. There was opposition to this rezoning from many of the residents of the area. All of the zoning in this block is R-1. The nearest R-2 zoning is east at Madison Street.

Mr. Phillips made a motion to deny the request as spot zoning. Mr. Damron seconded the motion. Voting was 5 ayes, 0 no, REQUEST DENIED.

#9 RZ94-23 John Prunty and Jesse Martin requested approval of rezoning from R-2 to C-4 for part of Lots 7 and 11, of Block 3 of Broadaway Addition. The property is located on the south side of Creath Avenue, west of Fisher Street.

This zoning request change is to allow using the building as a bail bonding office. The owners stated that most of the business is done at the jail and there would be little traffic created from the office use. Several neighborhood residents spoke in opposition to the rezoning request. Most were opposed to any commercial zoning change in this R-2 neighborhood.

Ms. Shaw made a motion to deny the request as spot zoning. Mr. Damron seconded the motion. Voting was 5 ayes, 0 no, REQUEST DENIED.

#10 RZ94-24 Saleem Zawawi requested approval of rezoning from R-1 to R-2 for Lots 10A and 10B of Cedar Heights Addition. The property is located on the south side of Belt Street, west of State Street.

It was noted that actually only Lot 10A is being requested to change to R-2. Prior to replatting this lot was the backyard of an existing house.

Mr. McCracken made a motion to approve the request subject to the property owner participating in the street improvement district for Belt Street. Ms. Shaw seconded the motion. Voting was 2 in favor, 2 opposed, 1 abstaining, MOTION FAILED. Five affirmative votes are required to recommend approval.

#11 RZ94-25 Mark and Shelia Turner requested approval of rezoning from R-2 to C-3 for Lots 39-42, Block E of the Belmont Addition. The property is located on the east side of Madison Street, north of Rose Street.

The property in front of this property is currently zoned C-3 and houses Mr. Turner's current business. Adjoining properties are zoned C-3 and I-1.

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

#12 RP94-31 Mark and Shelia Turner requested approval of a replat of a part of Block E of the Belmont Addition. The property is located on the east side of Madison Street, north of Rose Street.

Mr. McCracken made a motion to approve the request, seconded by Ms. Shaw. Voting was 5 in favor, 0 opposed, REQUEST APPROVED.

#13 SP93-29 Frank Springle requested approval of site plans for a shopping center to be built containing 14,175 sq. ft. The property is located on the southwest corner of Nettleton Avenue and National Road.

It was noted that the replat of the property was approved at the May meeting.

Mr. McCracken made a motion to approve the request subject to the following stipulations:

1. Granting a 20' utility easement on the south property line.
2. The owner installing curb and gutter along Nettleton Avenue with the placement to be approved by the City Engineer and possibly with the City helping by placing asphalt between existing pavement and the new curb.
3. Installation of a 6', wooden privacy fence on the south property line.
4. Owner to provide a profile of the drainage ditch on the south side.

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

#14 FP94-11 Harold Lamb requested final approval of subdivision plans for Northview Estates, a subdivision containing 6 lots on 6.67 acres. The property is located on the north side of Lawson Road, east of Lamb Lane.

Mr. Damron made a motion to approve the request subject to the plans showing a 5' utility easement adjacent to the street right of way and revised drainage plans being submitted for approval. The final plat should contain proper signatures and certification. The motion was seconded by Mr. Little, voting was 5 in favor, 0 opposed, REQUEST APPROVED WITH STIPULATIONS.

#15 PP94-10 Mike McNabb, Trinity Homes, Inc. requested preliminary approval of plans for Summer Oaks Subdivision containing 65 lots on 14.0 acres. The property is located on the west side of Loberg Lane, north of Nettleton Avenue and south of the Holy Cross Cemetery.

Mr. McCracken moved to approve the preliminary plans with the following stipulations:

1. The rezoning being completed through the City Council.
2. Showing a 40' right of way from the centerline of Loberg Lane.
3. Plans revised to show a 20' radius at the intersection on all lot corner lots.
4. Granting a 10' utility easement adjacent to the R/W on Maple Tree Cove.
5. Granting a 5' utility easement on each side of all streets with a 60' right of way.
6. Clarification of easements on plat between Lots 18 & 19 and Lots 5 & 6 in Block A and in Block B between Lots 11 & 12.
7. All lots sizes need to be shown on the final plat.
8. Street names of Willow Bend, Hickory Tree and Maple tree are conflicting street names and alternates will need to be selected.

Mr. Damron seconded the motion with 5 voting in favor, 0 opposed, REQUEST APPROVED WITH STIPULATIONS.

#16 SP94-11 Robert Rees requested approval of site plans for 20 apartment units to be built on Lot 6 of Heartheridge III Addition. The property is located on the south side of Matthews Avenue, east of Ferrell Street.

Most of the discussion on this item concerned the magnitude of the development (20 living units in three buildings on one lot) and the ditch adjoining the property on the north side. It was stated that the original subdivision that was approved a few years ago proposed single family homes on all lots by a different owner and to this date all lots have been developed with single family homes. Since then the original owner has bankrupted and Mr. Rees purchased the property.

A problem involving access to the property by emergency vehicles has apparently been resolved. The Fire Chief has given his approval to the layout as submitted for this meeting. At one time access to the property was proposed off an adjoining lot with no direct access to the property from the street.

Guy Lowes questioned the proposed ditch crossing which was showing three, four foot pipes. Mr. Lowes stated that the ditch was not wide enough to accommodate the span that would be required to install the pipes as shown. George Hamman, representing Mr. Rees, stated that excavation would be required to install the pipes. Mr. Lowes stated that the City did not want any excavation being done along the pavement. No digging is to be done in the street at all. The proposal would require the ditch to have a 16' bottom which currently does not exist. The ditch currently is only 8' wide at the bottom. To install the crossing as proposed by the Project Engineer would require the ditch to be excavated to a width of at least 16' in its entirety. Mr. Lowes stated

there were various other ways of crossing the ditch, that the ditch was over sized and that the culvert leading to this property is approximately a 5'x7' culvert.

Members of the Commission stated they felt the ditch along the north property line should be enclosed for safety and health reasons. Site obstructions particularly relating to the guard rails along the open ditch were noted as being of serious concern especially with vehicles trying to exit the property.

It was stated that the policy of the Planning Commission has been to require ditches along front property line to be enclosed. All projects in recent years that have been reviewed by the Planning Commission have been required to enclose ditches on the front of the property. It was further stated that it is common for improvements to be required at the time property is developed.

It was noted that in many instances plats are approved and improvements are specifically delayed until the property is developed.

The developer cited financial considerations as being the factor in his decision to not propose enclosing the ditch.

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

1. That the ditch along only the north side of the property be fully enclosed from the existing culvert on the west side to the extent of the property on the east side with the plans for the ditch enclosure to be approved by the City Engineer. Reasons for requiring the ditch to be enclosed are first of all the health and safety of the citizens. Another reason for having the ditch enclosed was that the ditch before reaching this property is enclosed. The previously approved subdivision did not propose an entrance on the Matthews side of the property. The high integrity of the development is further justification for requiring the ditch to be enclosed.
2. Installation of a 6' privacy fence on the south property line between the single family and the intense multifamily on this property.

The motion was seconded by Mr. Damron. Voting was 4 in favor, 0 opposed, one abstaining, REQUEST APPROVED WITH STIPULATIONS.

#17 RP94-34 The Kelso Firm requested approval of a replat of Lots 47, 48, 49 & 50 of Murray Creek Subdivision Phase III. The property is located at the south end of Murray Creek Drive.

Withdrawn by owner.

#18 PP94-12 The Kelso Firm requested final approval of plans for Murray Creek Subdivision, Phase IV and a replat of Lots 45-49 and Lot 51 of Murray Creek Phase III. The proposal contains 28 lots on 9.25 acres. The property is located on the east side of Paragould Drive, on the north and south sides of Mockernut Drive.

Mr. McCracken made a motion to approve the request subject to the staff comments. Ms. Shaw seconded the motion with 5 voting in favor, 0 opposed, REQUEST APPROVED WITH STIPULATIONS.

#19 RP94-17 Alan Patteson requested approval of a replat of Lots 1, 2 & 3 of Lands End Estates. The property is located west of Harrisburg Road and north of Windover Road.

Mr. McCracken made a motion to approve the request subject to 10' additional right of way being granted on

Lot 2 to comply with the master street plan. No further development is being proposed for Lot 1 at this time. The motion was seconded by Ms. Shaw. Voting was 5 in favor, 0 opposed, REQUEST APPROVED WITH STIPULATIONS.