



## Legislation Details (With Text)

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METROPOLITAN AREA PLANNING COMMISSION  
MAY 12, 1992

Approval of minutes of the April 14, 1992 meeting.

#1 SU92-2 Claude and Joann Daley requested approval of placement of a mobile home at 5002 Richardson Road. The property is located on the east side of Richardson Road, south of Colony Road.

There were several in attendance to oppose the placement of this mobile home on the one acre tract of land. A petition was submitted to the Commissioner of persons opposed to the placement. It was noted that this site was the former site of a mobile home that was approved for a temporary placement in 1989 by the City Council to be reviewed in one year's time.

James McCauley, representing the Daley's, stated that it was their intent to place the home on a permanent foundation with brick instead of underpinning. Mr. McCauley also stated the tongue, wheels and axels would be removed so that it would become a part of the real property. They also desire to build a permanent type garage on the property.

Mr. McCracken made a motion to approve the request subject to the signatures on the petitions submitted for approval being verified and submitted to the Planning Department as being in compliance with the ordinance and subject to the property entering into a street improvement agreement for Richardson Road as has been required of other owners on Richardson Road. The motion was seconded by Mr. Damon. Prior to voting Mr. McCracken made a motion to amend his motion to add the stipulation that the foundation walls be of brick and the 30' X 28' garage be completed prior to the expiration of the building permit. The building permit should include these improvements on the same permit. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#2 SP92-7 Bonnie Wright requested approval of site plans for an addition to an existing building. The building will contain approximately 3,200 sq. ft. and will be used for a restaurant and convenience store. The property is located on the northeast corner of Johnson Avenue and Culberhouse St. Placement of curbs, intersection improvements including left turn lanes, and the relocation of utility poles were the main topics of discussion

related to this item.

Mr. McCracken made a motion to approve the request subject to the City Engineer evaluating the curb placement on Johnson and Culberhouse and the placement of the utility poles to see if it would be better to try to convince the appropriate utilities to move the poles and placing the curbs a little further back from Johnson and Culberhouse to facilitate widening the street. If a better alternative is not found then the site plan as submitted would be approved including the improvements as shown on the drawing prepared by the Highway Department. The motion was second by Mr. Little. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#3 RZ92-8 Ronnie Grissom and Greg Harrington requested approval of rezoning from R-1 to C-3 for Lots 2 and 3 of Wakefield Acres Subdivision. The property is located on the east side of Wakefield Drive, north of Harrisburg Road and west of Stadium Blvd.

This item was withdrawn by the petitioner's attorney.

#4 RZ92-9 H.L. and Norma Daugherty requested approval of rezoning from AG-1 to C-3 for 9.14 acres located on the southwest corner of Highland Drive and Moore Road.

Mr. Coleman made a motion to approve the rezoning request subject to the owner entering into a street improvement agreement for Moore Road. Mr. McCracken seconded the motion. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATION.

A further motion was made by Mr. McCracken to accept the plat as a minor plat with the appropriate revisions being made and subject to the property owner entering into a street improvement agreement for Moore Road. The motion was seconded by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#5 RZ92-10 Roy Milner and Jimmy Cox requested approval of rezoning from R-2 to R-3 for the six (6) lots in the Bramblewood Subdivision. The property is located on the northwest corner of W. Nettleton Avenue and Loberg Lane.

It was explained by Mr. Milner that the purpose of the rezoning was to accommodate a specific request to have a home occupation by a potential buyer. This property was annexed in 1986 and zoned R-2 at that time. It was noted that setbacks were in main difference in the two zoning districts.

Ms. Finley made a motion to approve the request subject to the lots complying with a site plan being required for Lot 6 if that is the lot being purchased for a particular use or any other lots. If any home occupations are considered in the next two years a site plan would be required. Mr. Coleman seconded the motion. Voting was 3 in favor, 3 opposed. Five (5) affirmative votes are required for a positive recommendation: therefore, MOTION FAILED.

#6 RZ92-11 Doyle Salmons requested approval of rezoning from R-1 to C-3 for 10.0 acres located on the west side of Willett Road, north of Highway 63B (Dan Avenue) and south of the Craighead County Jail.

A motion was made by Mr. Damron to approve the request subject to the plat being revised to show at least 30' of right-of-way from the centerline of Willett Road and also that the property owner would enter into a street improvement agreement for Willett Road. The motion was second by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#7 RZ92-12 Max Dacus, Jr. request approval of rezoning from C-3 to R-2 for Lot A2 of Max Dacus, Jr.'s replat of Lot A of part of College Place Subdivision. The property is located on the east side of Melrose Street, south of Word Cove.

A motion to approve the rezoning for Lot A2 was made by Mr. McCracken and second by Mr. Coleman. Voting was 5 in favor, 1 abstaining, 0 opposed. REQUEST APPROVED.

#8 RP92-14 Max Dacus, Jr. requested approval of Lots A1 and A2, a replat Lot A1 of Max Dacus, Jr.'s replat of College Place Subdivision. The property is located on the east side of Melrose Street, north of Word Cove.

It was noted that this property had been rezoned in recent months from R-2 to C-3 and now a portion of the property is requested to be changed back to R-2. Mr. Dacus stated that a residential home for handicapped persons is planned for the site.

Mr. McCracken made a motion to approve the replat request, noting that on a previous request for this property a site plan was required and would continue in regards to the development of Lot A1. The development of Lot A2 may be approved by the planning staff if they are comfortable with it or they may refer the matter to the Planning Commission. Street improvements will be required when Lot A2 is developed. The motion was second by Ms. Finley. Voting was 5 in favor, 1 abstaining, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#9 RZ92-13 Andrew Gray requested approval of rezoning from R-1 to C-5 15X of the replat of Lot 15 of Senter and Company Addition. The property is located on the north side of Highland Drive, east of Rains Street.

Scott Emerson, representing Mr. Gray, said that it was his client's desire to build his dentist office there at some point in time and felt that the C-5 zoning would not be harmful to the surrounding neighborhoods.

Some of the Commissioners felt that commercial zoning was not appropriate at this time and in the future may be deemed more appropriate. It was stated that when and if in the future the commercial zoning proceeds east from its present ending near Church Street or going west from its present ending at Browns Lane that this request for a 75' wide lot may be more appropriate. It was further noted that the surrounding properties in all directions for quite a distance are zoned R-1 and there is on this same agenda a request for approval of a subdivision zoned R-1 further east on Highland Drive.

Mr. Little made a motion to approve the request with the stipulation that a site plan be submitted and approved prior to development. Mr. Little further stated that in the absence of a land use plan, items are being considered on a parcel by parcel basis, which puts the Commission in an awkward position, and due to the fact of the changing nature of properties adjacent to a 5-lane highway that we will see more commercial zoning. Mr. Little stipulated, in his motion that a site plan would have to be submitted along with the exterior elevations of the building to be built. The motion was second by Mr. Damron. Voting was 4 in favor, 3 opposed. Five (5) affirmative votes are required for a positive recommendation, therefore, MOTION FAILED.

#10 RP92-15 Andrew Gray requested approval of Lot 15X, a replat of part of lot 15 of Senter and Company Addition. The property is located on the north side of Highland Drive, east of Rains Street.

Mr. Little made a motion to approve the replat request subject to the plat being corrected to show what the right-of-way is and further that a site plan be submitted if the property is rezoned to C-5. It was stated that the reason additional right-of-way is not being requested on Highland Drive is because the Highway Department

has recently secured the right-of-way they need to complete the current project. Mr. Damron seconds the motion. Voting 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#11 RP92-16 Frank Macon requested approval of Lot 7X, a replat of Lots 7 and 8, Block C of Nicely Subdivision First Addition. The property is located at the west end of Oak Avenue, west of Freeman Street.

A motion to approve the request was made by Mr. Coleman and second by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#12 MP92-18 Larry George requested approval of a one (1) lot minor plat containing 4.3 acres. The property is located on the west side of Old Bridger Road, approximately ½ mile south of Johnson Avenue (Hwy. 49).

It was stated by the petitioner that they plan to use the road on an existing easement on the adjoining property south of his property, for which he has written permission from the owner, for access to the house that he wants to build on this lot. It was brought out by the attorney for some people opposed to the request that they are possibly pursuing action to claim the land where the road. Mr. Vance pointed out that the road in question was not a matter the MAPC could decide and that further the only street, easements, etc. that this owner can dedicate would be those within the description of his property.

Mr. Coleman made a motion to approve the request subject to 30' of right-of-way being shown from the centerline of Old Bridger Road and 30' street dedication along the south line of this lot. It was further stipulated that this owner enter into a street improvement agreement for both Old Bridger Road and Minga Road. The motion was second by Ms. Finley. Voting was 5 in favor, 1 opposed. REQUEST APPROVED.

#13 MP92-19 Julian Crist requested approval of a three (3) lot minor plat containing 3.36 acres. The property is located on the west side of Caraway Road, north of Race Street.

Most of the discussion regarding this item was the 30' lot extensions on two of the three lots extending to Caraway Road. Current ordinances state that a lot must be 60' wide at the building setback line. The question was then asked as to what determines the building setback. It was felt by some that the intent of the ordinance was that lots should be 60' wide at the required building setback which is 30' from the property line in the R-1 zoning district. It was stated by the Engineer representing Ms. Crest that it was her desire to disturb as little land as possible and did not wish to alter the design of these lots. It was further stated that Commission is charged with the responsibility of approving the design and layout of all lots in a subdivision and this is a subdivision.

Ms. Finley made a motion to deny the request citing failure to meet minimum lot width requirements. The motion was seconded by Mr. Damron. Voting was 4 in favor, 3 opposed. REQUEST DENIED.

#14 PP92-2 Jerry Craft requested preliminary approval of subdivision plans for Highland Forest. The Subdivision contains 27 lots on 19.09 acres and is located on the south side of Highland Drive, west of MacArthur Park.

Some of the discussion regarding this property was the type of curb and gutters proposed and the drainage spillways shown on the plan. The need for increased utility easements is to be decided prior to final approval. The City Engineer pointed out that additional right-of-way had been secured by the Highway Department and additional right-of-way is not being requested. There is a 280' jog between the main street in this subdivision and MacArthur Park on the north side.

A motion was made by Mr. Damron and second by Mr. McCracken to grant preliminary approval of the subdivision. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

A second motion was made by Mr. McCracken that the City Engineer and anyone else he thinks should be involved to study the curb and gutter requirements and come up with a formal recommendation to the Planning Commission as to what type of curb and gutter requirements they want to be approved and make whatever code amendments as may be necessary for its enforcement. The motion was second by Mr. Coleman. All members present voting aye, MOTION APPROVED.

A further motion was made by Mr. Little that City Staff study the ordinances and make whatever amendments are needed to clarify what determines where the setback is. Is the setback at the required building setback or is it where anyone chooses to place their building. The motion was seconded by Mr. Coleman. All members present voting aye, MOTION APPROVED.

#15 RP92-17 Arkansas Glass Container Corporation requested approval of Lot 1, a replat of Blocks 5, 6, 7, 8 and part of Block 9 of Barritts Addition. The property is located on the north side of Johnson Avenue, east of McClure Street.

Citing deficiencies on the plat, including lack of right-of-way and other dimensions and easements, a motion was made by Mr. Little to table the request to allow a new plat to be made that would show the right-of-ways for Johnson, McClure and Word. The plat should also show the existing storm sewer, the footprints of all buildings, the railroad right-of-way and any and all other easements. The motion was second by Mr. Damron. Voting was 5 in favor, 1 abstaining. REQUEST TABLED.

#16 MP92-15 Bobby Barton requested approval of a one (1) lot minor plat containing .78 acre. The property is located on the east side of Trammel Drive, north of Frog Pond Road.

Several possible problems were brought out regarding this plat. The lack of dedicated right-of-way between this property and the lack of necessary water and electricity extensions to the property that are to be provided by the sub-divider, the lack of street improvements and possible drainage problems were among the items of discussion. A subdivision is being made without the proper plans which are against state law for an incorporated city.

Securing the legal documents for dedication of the full street from the existing dedication on both sides of trammel Drive is the first step toward gaining approval. Without it utilities cannot be extended nor can other city services be provided without a street dedication. Full street improvements or a street improvement agreement will be looked at next month.

Mr. McCracken made a motion to table the request to allow time for the owner to secure the street dedication from the adjoining property owners. The property owner will be required to improve the street now to at least the standard for a gravel street and signing an agreement to pay his share of the future improvements to Trammel Drive when the road is improved. The motion was second by Mr. Coleman. Voting was 5 in favor, 1 opposed. REQUEST TABLED.

#17 RP92-18 Jack Elrod requested approval of replat of the Replat of Lots 1 & 2 of Elrod's Replat of Lot 9 of the Willett's Addition. The property is located on the east side of N. Culberhouse Street south of Arrowhead Farm road.

A motion to approve this request was made by Ms. Finley and second by Mr. Blalock. Voting was 6 in favor, 0

opposed. REQUEST APPROVED.

#18 RP92-19 Garry Tate, Jack Lowe and Keith Petrek requested approval of Tate's First Replat of Lots 1, 2, 3 & 4 of Danlee Subdivision. The property is located north of Thomas green road at the north end of Danlee Drive.

It was noted that here is along the lots in this subdivision currently a 28' concrete street with curb on the west side. There is one foot of property remaining private property on the east side of the 34' street dedication. As stated by Mr. Kenward, the 34' easement is being made a public street dedicated with the filing of this plat.

A motion was made by Mr. Blalock and second by Ms. Finley to approve the request. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#19 RP92-20 Tony Futrell requested approval of a replat of Lot 1 of Medina's Subdivision. The property is located on the north side of Pleasant View Road, east of old Greensboro Road.

It was stated by Troy Sheets representing Mr. Futrell that the platted land that is left out of this plat will revert back to the metes and bounds description. A motion was made by Mr. Coleman and second by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#20 RP92-21 Wade Robertson requested approval of Lot 1, a replat Lots 6 & 7, Block H of Candlewood 8<sup>th</sup> Addition and Lot 55, Block a of Candlewood 5<sup>th</sup> Addition. The property is located on the east side of Creekwood Drive, south of Cherrywood Drive.

A motion to approve the request was made by Ms. Finley and second by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

Meeting adjourned at 11:15 p.m.