



Legislation Details (With Text)

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Minutes for the MAPC meeting on October 10, 2006.

Metropolitan Area Planning Commission Minutes, October 10, 2006

Commissioners absent: Ms. Moore, Mr. Harpole

Staff present: Mr. Spriggs, Mr. White, Ms. Rook

Approval of minutes from the September 12, 2006, meeting. Motion was made by Mr. Krennerich, seconded by Mr. Day. Minutes were approved by unanimous vote.

1. CU-06-07 Copeland & Ross, LLC, requests a Conditional Use for single story multi-family housing on property zoned I-1. Located on Richardson Road between Rook Road and Longview.

Attny. Skip Mooney Sr. came forward as proponent for this item. This matter was first put on the agenda in July. There were some people who objected to this item. Nettleton School District was contacted after the July meeting being one of the objectors and the proposal was redrafted so that their concerns were met and now they have no objections to the plan as submitted. Part of the structures were removed going from 10 units per acre to 9 units per acre. Some of the other options were a large truck terminal or mini storages, but we felt that this would be the best use for this property. We hope that the planning commission and the neighbors will have a better view of this property.

Mr. Carlos Wood came forward to discuss the green space by removing some units in the northern area. The driveways would be added for school buses so that they were not stopped on the street. We would be looking at a total of 77 or 78 units if that is acceptable.

Mrs. June Baldwin came forward as an opponent for this item. The residents of the Paddock Subdivision would like to voice their opposition to the multi-family housing going into this area. The concerns that the residents have are increased traffic, crime, noise and a decrease in the value of homes. Mrs. Baldwin stated that they have 109 signatures on a petition.

Mr. Willie Richards, 3312 Derby Drive, came forward as an opponent for this item. Mr. Richards stated that he was a retired police officer and stated that every town he had worked in that an apartment complex would raise the crime rate in almost every case. He was concerned with property value going down and crime rate going up.

City planner came forward and stated that staff is pleased that the developer did listen regarding the density issues and has decreased the density. Mr. Spriggs stated that there were a list of conditions that the commission should consider, if approved.

1. That the final development plan be submitted and approved by the Planning Director indicating proper location and screening of the dumpster to satisfy 14.36.03 (d).
2. That a final landscape plan be submitted and approved by the Planning Director.
3. That the lighting plan shall be implemented and maintained at restricted levels to prevent adverse effect on abutting residential.
4. That upon issuance of the Zoning Permit Approval, all other building permit and other permits be applied for and obtained by the applicant.
5. That any future commercial uses on the subject site be submitted to the MAPC for consideration and approval.

Mr. Mooney stated that the developer has no problem with the restrictions that are requested. They agree and will comply readily.

Commissioner asked about the land use plan for this property. City planner stated that this area was highlighted as industrial. This property is in an area with commercial and was recently rezoned industrial for storage units. It has some residential surrounding. The 1995 land use map shows low density residential.

Mr. Krennerich made a motion to deny this item. Mr. Day seconded this motion. Norris voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye and Mr. Collins voted aye.

This item was denied.

2. RZ-06-15 Mr. Aaron Harris request rezoning from R-1 Single-Family Residential to R-5 LU (10 units per acre) for 1.48 located on Curtis Road between Walters Road and Win Brook Circle. Note: This item tabled from Sept. 12 meeting pending drainage study.

This item was tabled last time because of the drainage problem and the drainage will not be complete until next month. Dr. Beadles wanted to have a motion to leave it on the table. Mr. Krennerich made a motion to leave on the table. Commissioner asked how many people did they have to speak against this item. Dr. Beadles ask for the opposed to stand up. Mr. Collins seconded to leave on the table.

Commissioner stated that he thought they should go ahead and do it. City planner came forward to give some facts for this item. City planner stated that the City is looking into the drainage issues in some hot spots in the city. This item is in that area and it was not noticed that it was in the hot spot area until after it had been put on the agenda. That study is still underway and they are doing some work in that general vicinity at this time and this study is not yet completed. The applicant is aware of this study and has been patient with us.

Dr. Beadles stated that this land may be bought by the City because it is in the hot spot area and so it should stay tabled until the survey is completed.

Ms. Norris voted no. Mr. Day voted no. Mr. Roberts voted no. Mr. Krennerich voted aye. Halsey voted no. Collins voted aye.

The motion failed. Mr. Day made a motion to bring the item off the table. Mr. Roberts seconded. Ms. Norris voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted no. Mr. Halsey voted aye. Mr. Collins voted no. Since there were not five votes this item cannot be brought off the table. Commissioners asked Dr. Beadles to vote but since it is not a tie vote.

Mr. Day made a motion to untable the item. Mr. Roberts seconded the motion. Ms. Norris voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Krennerich voted aye. Mr. Halsey voted aye. Mr. Collins voted aye.

This item has been removed from the table. Mr. Troy Sheets came forward as proponent for this item. It was our understanding that this item would remain tabled until the drainage study is completed.

Mr. Harris stated that he wasn't prepared to have this item voted on since the drainage study had not been completed and withdrew the item.

This item was withdrawn.

3. RZ-06-18 Gary Ezell request rezoning from R-1 Single-family Residential to C-3 General Commercial for 1.98 acres located on the west side of 49 South and south of Stillwater Drive. NOTE: THIS ITEM WAS WITHDRAWN BEFORE VOTE ON SEPT. 12 AGENDA.

This item was withdrawn.

4. RZ-06-21 Joanne and Philip Steed request rezoning from R-2 Multi-family to C-5 Neighborhood Office District for .2 acres located at 217 E. Cherry Ave.

Mr. Skip Mooney came forward as proponent for this item. Mrs. Steed has a therapy practice and employs physical therapists, occupational and speech therapists. Approximately 90% of her clients are treated at school or at the Learning Center. Her home base would be used for billing, scheduling and other administration functions and limited appointments for clients. There is necessary room for parking. The property was vacant and in need of repair when the owners bought it. This is not in the area where the drainage problem is on Cherry.

City planner stated that staff has reviewed the proposal. City planner does not object to the proposal and feels that the community will benefit. There are no stipulations by city planner.

Mr. Day made a motion to approve this item. Mr. Krennerich and Mr. Halsey both seconded. Ms. Norris voted aye. Mr. Day voted aye. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Collins voted aye.

This item was approved.

5. PP-06-16 Mark Morris request Preliminary Plat approval for Valley View Heights located south of Kellers Chapel Road and west of Darr Hill Road.

Carlos Wood came forward as proponent for this item. Mr. Wood stated that he knew Engineering had some

concerns and they had no problems meeting those conditions.

City planner stated that comments had been forwarded to the commission previously. Lots 23 and 26 which did not meet the minimum lot width requirement at the building setback line and those will be required to be increased. View Cove exceeds the 400 feet dead end street maximum by 46 feet and the commission has the ability to waive that.

City Engineer had two items and they have agreed to these two items. They may want to move the detention pond which is fine but engineering wants to reserve the right to review that prior to approval.

Mr. Krennerich stated that there are more than 35 homes on a dead end street and are there any options for another street. Mr. Wood stated that they do not own any adjoining property. Mr. Krennerich stated that there would be 42 homes on a cul-de-sac and no other way out. Mr. Wood stated that he could possibly revise the plans and make two entrances on Darr Hill Road.

This item was withdrawn.

6. SP-06-37 J. Terrell Scoggins of Frank A. Rogers & Co. Inc. (Engines Inc.) request MAPC Site Plan Review for 75,000 sq. ft. commercial building addition located at 5400 C. W. Post Road.

There is an existing 20,000 sq. ft. building that was from a prior time and the request is to expand this by 75,000 sq. ft. and expand the parking lot as well. There is already a retention pond on this property.

City Engineer stated that the pipe that goes under the railroad is higher than surface of the pond. Mr. Scroggins stated that there is an automatic pump. All items have been addressed except #1 and #11 on City Engineer's list.

City planner states that it satisfies setbacks and landscaping according to the zoning resolution.

Mr. Halsey motions to approve this item with the stipulation that the pump be shown. Mr. Day seconded. Ms. Norris voted aye. Mr. Day voted aye. Mr. Roberts voted aye. Mr. Krennerich voted aye. Mr. Halsey voted aye. Mr. Collins voted aye.

This item was approved.

7. MAPC review of "PD" Development Text Amendments.

City planner stated the facts of the PD text amendments. The preliminary stage was very cumbersome because of the details that were required in the old code. Some concerns were discussed by city planner as they were displayed to the commissioners. There are right-of-way, curb requirements and road standards and specifications within the subdivision codes. If there is a subdivision in part of the PD, then they would still have to go by the requirements in the subdivision code if the road was to be dedicated. In some cases where you are allowing cluster developments and private drives then the subdivision regulations would probably be considered exempted.

Mr. Caldwell stated that a PD should not be a zoning change by itself. If you get into a PD and want to get out of it at a later date then you can't get out without a signature from every individual in the PD. Mr. Caldwell feels that politics should be cut out of this procedure. Mr. Krennerich stated that the idea of the PD is to have multi-use in one area. Mr. Caldwell feels that a mixed use zoning should be added to the zoning code.

Mr. Krennerich stated that if you had a planned development of 40 and you sold 20 of those units, and had to give the next 20 away, then the next 100 you had planned weren't going to work so you would need a way to get out. City planner stated that is the reason that they had the clause to have modifications allowed at the preliminary stage and the final development stage.

Mr. Caldwell stated that if a phase is started then the phase has to be completed. But if they need to get out of it and can't finish phase 2 or 3 then they get out of it and the zoning of those phases stays as it is. If the phase contains something that builds on the first phase then you can just not approve it.

Mr. Caldwell stated that if you want to do a PD, you should rezone first, if appropriate, then come back with the PD before the MAPC. That way City Council won't see the PD. Commissioners stated that they didn't think that anyone would grant a zone change to a multi-family zoning near a single family zoning without knowing it was going to be a PD. Mr. Caldwell doesn't want it to go to City Council with a PD zoning.

City planner doesn't agree with Mr. Caldwell. That is the reason that we created new residential districts for those changes.

Mr. Caldwell thinks that the PD should be like a subdivision plan and not have to go through City Council. Commissioner stated that if you had a PD-R, you could build anything from R-1 to R-8 so there is no reason to zone it a particular residential zone. City Council wants to see zoning changes when it is a planned district.

City planner stated that another work session can be held to discuss this further. The meeting will be on October 26, 2006, at 5:30 p.m.

Meeting is adjourned.