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Minutes for the MAPC meeting on November 9, 2004.
Metropolitan Area Planning Commission Minutes, November 9, 2004

MEMBERS PRESENT: Beadles, Vance, Damron, Gott, Moore, Krennerich, Harpole, Day, Johnson

MEMBERS ABSENT: None

OTHERS PRESENT: Ron Shipley, Acting City Planner; Claude Martin, City Engineer; Carol Duncan, Assistant City Attorney; Brian Wadley, Planning Coordinator

The minutes of the October 12, 2004 meeting were approved on a motion by Krennerich, second by Harpole and unanimous vote.

#1 RZ04-23 Lamco requested approval of rezoning from the C-5, Neighborhood Office District to the C-3, General Commercial District for .67 acre located on a part of the NE ¼, NE ¼ of Section 28, T14N, R4E, being more particularly described as follows: Begin at the northeast corner of Section 28, T14N, R4E; thence west on the section line 420 feet; thence S1°08'W parallel with the east line of the northeast quarter of the northeast quarter of aforesaid Section 28, 210 feet; thence west parallel with the north line of aforesaid northeast quarter of the northeast quarter of Section 28, 470 feet to the point of beginning proper; thence N1°08'E parallel with the east line of aforesaid northeast quarter of the northeast quarter of Section 28, 168.3 feet to the south right of way line of Arkansas State Highway #18 thence N89°53"W on said right of way line 160.0 feet; thence continuing west 13.4 feet to the east line of Parkside Drive; thence S0°56'W on the east line of Parkside Drive 168.6 feet; thence east parallel with the north line of aforesaid northeast quarter of the northeast quarter of Section 28, 172.9 feet to the point of beginning proper. The above described tract is possibly subject to a power line along the south side and is not shown on this plat. The address of the property is 3301 E. Highland and the general location of the property is on the southeast corner of Highland Drive and Parkside Drive.

Terry Bare, Project Surveyor, stated that the uncompleted street improvements in the Ben Lamberth Subdivision had been completed since the November MAPC meeting. The property is contiguous to property

that was rezoned a few weeks ago to C-3. The property is situated south of the new mall.

Ron Shipley, Acting City Planning, stated that the proposal was consistent with the land use plan.

Claude Martin, City Engineer, stated that the street improvements to Ben J. Lamberth Drive and the intersecting street had been completed.

No opposition was expressed by any one in attendance.

Mr. Vance made a motion to recommend approval of the request to the City Council with the stipulation that when the use of the property is converted to a C-3 use, the ordinance requirements regarding buffering and all other site plan requirements would have to be complied with. The motion was seconded by Mr. Krennerich. Voting was 8 in favor, 0 opposed. Those voting aye were Harpole, Johnson, Damron, Day, Vance, Moore, Krennerich, Gott. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#2 CU04-12 Debbie Johnson requested approval of a conditional use for placement of a manufactured home, residential style, in the R-1, Single Family Medium Density District. The address of the property is 1210 Lovelace Lane and the general location of the property is on the east side of Lovelace Lane, north of Greensboro Road.

Ms. Johnson explained that she had a manufactured home on the property in previous years but had moved away. Her family owns most of the acreage in the area.

No opposition was expressed by any one in attendance.

A motion to approve the request was made by Mr. Harpole and seconded by Mr. Day. Voting was 8 in favor, 0 opposed. Those voting aye were Day, Vance, Krennerich, Moore, Gott, Damron, Harpole, Johnson. MOTION CARRIED, REQUEST APPROVED.

#3 CU04-13 Scott Bellis requested approval of a conditional use for placement of a manufactured home, residential style, in the R-1, Single Family Medium Density District. The address of the property is 1208 Lovelace Lane and the general location of the property is on the east side of Lovelace Lane, north of Greensboro Road.

Mr. Bellis is the son of Ms. Johnson in the previous item. He plans to relocate to the family owned property here as well.

A motion to approve the request was made by Mr. Vance and seconded by Mr. Day. Voting was 8 in favor, 0 opposed. Those voting aye were Johnson, Moore, Vance, Gott, Krennerich, Moore, Damron, Harpole, Day. MOTION CARRIED, REQUEST APPROVED

#4 CU04-14 Russ Anderson requested approval of a conditional use to establish a loft apartment in the I-1, Limited Industrial District. The address of the property is 1005 E. Johnson Avenue and the general location of the property is on the south side of Johnson Avenue, east of Patrick Street.

Mr. Anderson stated when asked that he did not plan to live there. He explained that originally he had the property sold to someone who was going to have a business downstairs and live upstairs. That deal fell through and now he wants to rent the upstairs for an apartment and use the downstairs for some type of business.

Commissioner Damron asked Mr. Anderson if he knew what use was going to be in the downstairs area.

Mr. Anderson replied that at one time auto parts, tax preparer's office, and retail uses had once rented space there.

Commissioner Krennerich stated that he was concerned that they could have an apartment above something that would be of an obnoxious and/or dangerous nature. He wanted to know if there was any way to keep that from happening. Mr. Krennerich said he would like to limit the uses below the apartment so that a dry cleaning store or a paint store or any other use that involves flammable or volatile chemicals could not be located there.

Ron Shipley, Acting City Planner, stated that the building had been remodeled and fire separations have been installed and he did not think that a garage or vehicle would physically fit underneath the residential area which is proposed to be on second floor.

Mr. Anderson said that as long as he owned it there would not be anything dangerous below. He said had reviewed the list of uses from the zoning ordinance and he understands the concerns but his tenants would probably be some type of retail or small hardware store or pawn shop, nothing would be dangerous.

A representative from Ferrell Gas who has the propane gas business next door spoke in regard to the request. He said they were not necessarily opposed to the request but wanted to make the commissioners aware of the fact that they have 60,000 gallons of propane storage on site next door.

Mr. Shipley said his department would continue to inspect the property as it is developed. Occupancy permits would not be issued until code compliances are achieved.

Commissioner Gott questioned how the city would control changes in use when they occur to make sure they are compatible.

Mr. Krennerich made a motion to disapprove the request stating that this type of mixed use did not seem appropriate in this location. The motion was seconded by Mr. Gott. Voting was 8 in favor, 0 opposed. Those voting aye were Krennerich, Moore, Gott, Damron, Vance, Day, Harpole and Johnson. Mr. Johnson stated that a request like this really needs some study and that he just wasn't comfortable with it. MOTION CARRIED, REQUEST DISAPPROVED.

#5 CU04-15 Lizzie Sanders, dba Little Scholars Daycare, requested approval of a conditional use for operation of a Daycare, General, in the C-1, Downtown Core Commercial District. The address of the property is 4915 E. Nettleton Avenue, #'s B & C and the general location of the property is on the south side of Nettleton Avenue, east of Watt Street.

Ruben Griffin, who originally filed the request, stated that he had sold the property to Lizzie Sanders who is proceeding with the request for the daycare. The property is located on main street in the old town of Nettleton which is zoned like the existing downtown Jonesboro.

No opposition was expressed by any one in attendance.

A motion to approve the request was made by Mr. Vance and seconded by Mr. Johnson. Voting was 8 in favor, 0 opposed. Those voting aye were Johnson, Harpole, Gott, Damron, Vance, Moore, Krennerich, Day. MOTION CARRIED, REQUEST APPROVED.

#6 CU04-16 Myrtle Burnett requested approval of a conditional use for operation of a Daycare, General, in the R-1, Single Family Medium Density District. The address of the property is 2020 N. Patrick Street, and the general location of the property is on the southeast corner of Patrick Street and Magnolia Road.

Ms. Burnett stated that at one time she had operated a daycare at this location but it has been closed for several years. Keeping more than 8 children in the R-1 district requires conditional use approval.

No opposition was expressed by any one in attendance.

A motion to approve the request was made by Mr. Vance and seconded by Mr. Harpole. Voting was 8 in favor, 0 opposed. Those voting aye were Harpole, Day, Moore, Gott, Krennerich, Damron, Johnson, Vance. MOTION CARRIED, REQUEST APPROVED.

#7 RZ04-25 BKR, LLC, requested approval of rezoning from the AG-1, Agricultural District to the R-1, Single Family Medium Density District for 31.88 acres located on a part of the northwest quarter of Section 4, T13N, R3E, Craighead County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of said northwest quarter of said Section 4, thence S89°15'06"W a distance of 627.82 feet to a point; thence N00°35'32"E a distance of 2,123.45 feet to a point; thence S57°05'00"E a distance of 52.39 feet to a point; thence S76°31'23"E a distance of 18.30 feet to a point; thence N87°29'18"E a distance of 34.25 feet to a point; thence N14°40'05"E a distance of 26.46 feet to a point; thence N15°56'04"W a distance of 201.77 feet to a point; thence S87°33'30"E a distance of 189.93 feet to a point; thence S43°03'08"E a distance of 53.16 feet to a point; thence S55°17'01"E a distance of 72.10 feet to a point; thence S68°35'55"E a distance of 100.63 feet to a point; thence S58°04'50"E a distance of 125.66 feet to a point; thence S71°12'43"E a distance of 59.96 feet to a point; thence N79°22'00"E a distance of 65.60 feet to a point; thence S02°04'55"W a distance of 1,297.93 feet to a point; thence S00°11'43"E a distance of 708.12 feet to a point; said point being the Point of Beginning, said tract containing 31.88 acres, and being subject to easements and rights of way for roads and other purposes. The general location of the property is on the north side of Flemon Road, west of Wilkinson Road.

There were no questions, discussion or opposition presented by anyone in attendance.

Mr. Day made a motion to recommend approval of the request to the City Council with Ms. Moore making the second. Voting was 8 in favor, 0 opposed. Those voting aye were Day, Vance, Moore, Gott, Krennerich, Johnson, Harpole, Damron. MOTION CARRIED, REQUEST APPROVED.

#8 PP04-20 BKR, LLC requested preliminary approval of plans for Beaver Creek Phases I, II, III & IV, a residential subdivision containing 127 lots on 31.88 acres in the R-1, Single Family Medium Density District. The general location of the property is on the north side of Flemon Road, west of Wilkinson Road.

WITHDRAWN.

#9 FP04-13 P & J Development requested final approval of plans for Casey Cove, a residential subdivision containing 11 lots on 5.33 acres in the proposed R-1, Single-family Medium Density District. The general location of the property is on the south side of Casey Springs Road, east of Strawfloor Drive.

It was noted that all of the preliminary stipulations had been addressed and there were no additional comments from the engineering or planning departments.

A motion to approve the request was made by Mr. Vance and seconded by Ms. Moore. Voting was 8 in favor, 0

opposed. Those voting aye were Moore, Vance, Krennerich, Harpole, Day, Johnson, Damron, Gott. MOTION CARRIED, REQUEST APPROVED.

#10 PPO4 -14 Blue Star Land Company requested preliminary approval of plans for Ridge Lake Estates, a residential subdivision containing 46 lots on 44.47 acres in the R-1, Single-family Medium Density District. The general location of the property is approximately 1,600 feet east of Mt. Carmel Road, south of Farm Creek Estates, and approximately 1,300 feet west of Culberhouse Street, and is a continuation of Layman Drive.

Claude Martin, City Engineer, stated that all of the engineering comments had been addressed and there were no additional comments from engineering.

Commissioners Johnson asked if preliminary and final approval could be granted tonight and Chairman Beadles replied that they could not.

Commissioner Damron questioned why they did not include an outlet the east to adjoining properties.

Mr. Nix stated that there were some steep, grading changes that really made a connection on this side not very feasible. The uncertainty of what would happen on the adjacent lands was also a concern.

A motion to approve the request was made by Mr. Johnson and seconded by Mr. Vance. Voting was 6 in favor, 2 opposed. Those voting aye were Johnson, Day, Harpole, Krennerich, Moore, Vance. Those voting no were Damron, Gott. MOTION CARRIED, REQUEST APPROVED.

#11 SP04-24 Gary Ezell, dba, Arkansas Equipment & Rentals, requested approval of site development plans for the expansion of two structures containing a total of 13,000 square feet and adding a third structure containing 1,500 square feet to the property located at 4905 and 4911 Southwest Drive. The general location of the property is on the southwest corner of Southwest Drive and Oak Park Drive.

Mr. Ezell explained that he made application to City Planner approximately one year ago. They were never able to resolve all the issues regarding the site plan and in May of this year Mr. Ezell's engineer was advised by email to make application to the Planning Commission but did not. Mr. Ezell stated that he was not advised of this referral.

There was concern expressed over a fence that has been erected around the north end of property that Mr. Ezell has purchased which is currently zoned R-1 and which has at least two gates for entry there. Access to commercial property across a residentially zoned lot is not permissible.

Mr. Ezell stated that there is a large ditch on the two residential lots that would prevent much residential development and that he intends to pursue rezoning. The application will be ready for the Planning Commission by the 17th of November. If rezoned the fence will be okay, if it isn't rezoned the fence will be removed. One way or the other the fence issue would be resolved.

Claude Martin, City Engineer, stated that bank protection is needed from the outfall of the pipe to the property, possibly rip rap, but the project engineer will need to make that determination.

Due to the length of time involved, Mr. Krennerich made a motion to grant approval of the site plan with the stipulation that prior to issuance of the certificate of occupancy that development would have to comply with all codes including, but not limited to, zoning, landscaping, buffering, lighting, screening, parking, and fencing. The ditch issue would also have to be addressed on the final site plan which must be approved by the Planning

Commission. The motion was seconded by Mr. Day. Voting was 8 in favor, 0 opposed. Those voting aye were Vance, Damron, Gott, Moore, Krennerich, Harpole, Day, Johnson. MOTION CARRIED, REQUEST APPROVED.

#12 FP04-15 Frank Macon requested final approval of plans for Dunwoody Huntcliff Estates Phase III, a residential subdivision containing 16 lots on 13.481 acres in the R-1, Single-family Medium Density District. The general location of the property is east and south of Dunwoody Drive and a continuation of Ashford Drive.

Claude Martin, City Engineer, stated that all preliminary stipulations had been addressed and there were no additional comments.

A motion to approve the request was made by Mr. Moore and seconded by Mr. Harpole. Voting was 8 in favor, 0 opposed. Those voting aye were Moore, Harpole, Vance, Johnson, Day, Damron, Gott, Krennerich. MOTION CARRIED, REQUEST APPROVED.

#13 FP04-16 Frank Macon requested final approval of plans for Macon's Horseshoe Addition, a residential subdivision containing 38 lots on 13.51 acres in the R-1, Single-family Medium Density District. The general location of the property is on the south side of Prospect Road, approximately ¼ mile east of Airport Road.

Claude Martin, City Engineer, stated that all preliminary stipulations had been addressed and there were no additional comments.

A motion to approve the request was made by Mr. Harpole and seconded by Mr. Johnson. Voting was 8 in favor, 0 opposed. Those voting aye were Harpole, Moore, Vance, Johnson, Damron, Day, Gott, Krennerich. MOTION CARRIED, REQUEST APPROVED.

#14 CP04-1 Robin Nix requested approval of conceptual plans for Preston Oaks, a residential subdivision containing 60 lots. The general location of the property is north of Woodsprings Road, south of Pebble Beach Drive and will be an extension of Sea Island Drive.

Commissioners reviewed the conceptual plans and received comments from those in attendance but took no action on this item.

#15 MP04-17 Tim Meredith requested approval of a minor plat containing two lots on .46 acre. The general location of the property is on the east side of Warren Street, north of Daybreak Drive.

George Hamman, Project Engineer, told the commissioners of the progress that Mr. Meredith had made on his subdivision, Meredith Meadows. Utilities are in place in the first phase and are extended to the Willett property on the south side of Daybreak Drive but there are some problems now with obtaining the needed right of way for the continuation of Daybreak Drive eastward. Due to the hold up on the right of way Mr. Meredith has been unable to proceed any further with the subdivision and therefore could not sell any lots. He is proposing a minor plat of two lots located on Warren Street, which is an existing street. This proposal will still allow for the subdivision to be completed as approved when the right of way for Daybreak Drive is obtained and these lots do not adjoin Daybreak Drive.

A motion to approve the request was made by Mr. Damron and seconded by Mr. Krennerich. Voting was 8 in favor, 0 opposed. Those voting aye were Damron, Gott, Harpole, Moore, Vance, Krennerich, Johnson, Day. MOTION CARRIED, REQUEST APPROVED.