



## Legislation Details (With Text)

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9/12/1995	1	Metropolitan Area Planning Commission	Passed	Pass

Minutes for the MAPC meeting on August 8, 1995.

MINUTES

METROPOLITAN AREA PLANNING COMMISSION

AUGUST 8, 1995

MEMBERS PRESENT: Coleman, Damron, McCracken, Beadles, Pitts, Shaw, Phillips

MEMBERS ABSENT: Little and Finley

#1 RZ95-21 Melissa Meredith requested approval of rezoning from R-1 to I-1 for Lots 1, 2, 3, 4 & 5, Block B of Apple Hills Subdivision. The property is located on the east side of Warren Street, between Jonathan Street and Daybreak Drive.

The Bill of Assurance Amendment for this subdivision specifically allows commercial development on this property. Chairman Coleman reminded members they are not dealing with a site plan or replatting, only the zoning. Four residents of the subdivision opposing the zoning change were present.

Commission member McCracken stated he shared concern of property owners to the east in regard to additional zoning change as far as Lots 6 and 7. He feels under the terms of the Bill of Assurance that subdivision approval of the residents would be required and the Planning Commission standpoint involving Lot 6 and 7 would be viewed significantly different because those lots front on Jonathan and there is no adjoining commercial or industrial. The lots in this request are directly across from existing C-3.

Mr. McCracken made a motion to approve the request as submitted as far as the zoning change from R-1 to I-1, with the additional comment that C-3 is more restrictive than I-1. In the past, we have been comfortable with changing a zoning request to a more restrictive zoning than requested. It was his recommendation that the zoning classification for Lots 3, 4 and 5 be changed to C-3. If the Council is not comfortable with that type change, then the proposal can be accepted as I-1 on the entire property. As for stipulations, after viewing the 1989 minutes, the property owner should complete the full half street improvements on Warren and sign street

improvement agreements regarding Jonathan and Daybreak, obligating the owner to improve those streets at such time as the city requests the full half street improvements. Property owner will put privacy fence on east side when Lots 2, 3, 4 & 5 are developed. Mr. Damron seconded, 5 voted aye, 1 no, REQUEST APPROVED WITH STIPULATIONS.

#2 RZ95-18 Mary Willett requested approval of rezoning from R-1 to C-3 for .39 acre located on the southwest corner of Stadium Boulevard and Planters Drive.

Ms. Shaw moved to table the item because of problems as to which parcels were being dealt with and as to whether they were the ones advertised as being rezoned and if all owners were represented in the proposal. Dr. Beadles seconded, 6 voted aye, 0 no, REQUEST TABLED.

#3 RZ95-29 Mary Willett requested approval of rezoning from R-1 to C-3 for approximately 35 acres. The property is located on the west side of Stadium Boulevard, on the north and south sides of Planters Drive.

Item TABLED for same reasons as Item # 2.

#4 RZ95-30 Mark Keller requested approval of rezoning from R-2 to C-5 for Lots 1 & 8, Block 1 of Broadaways Addition. The property is located on the north side of Matthews Avenue, east of Fisher Street.

Mr. McCracken moved to approve the request, seconded by Ms. Shaw. Six voted aye, 0 no, REQUEST APPROVED.

#5 RP95-35 Mark Keller requested approval of a replat of parts of Lots 1 & 8 of Block 1 of Broadaways Addition. The property is located on the north side of Matthews Avenue, east of Fisher Street.

Mr. McCracken made a motion to approve the request with the following comments. Right of way dedication of 41' technically does not comply with the MATA Plan, but the Downtown Business District area will be faced with this problem whenever any property comes before the commission. It is regrettable that the letter of the law cannot be followed on the MATA Plan, but the Downtown District will have this problem from time to time. Ms. Shaw seconded, 6 voted aye, 0 no, REQUEST APPROVED.

#6 RZ95-31 Haydn Cooksey requested approval of rezoning from R-1 to R-2 for Lot 1 and the west 5.5' of Lot 2 of Sloan's Addition. The property is located on the northeast corner of Nettleton Avenue and Kitchen Street.

Ms. Shaw moved to approve the request with the stipulation of having a site plan submitted before development that addresses rights of way, street improvements, drainage improvements, etc. Mr. Damron seconded, 5 voted aye, 2 no, REQUEST APPROVED WITH STIPULATIONS.

# 6A Ms. Shaw moved to amend the previous approval for Haydn Cooksey to remove 5.5' on the east of Lot 1, which is not owned by Mr. Cooksey and to revise the plat showing just Lot 1. Mr. Damron seconded, 6 voted aye, 0 no, REQUEST APPROVED WITH STIPULATION.

#7 RP95-36 Haydn Cooksey requested approval of a replat of Lot 1 and the west 5.5 feet of Lot 2 of Sloan's Addition. The property is located on the northeast corner of Nettleton Avenue and Kitchen Street.

This item WITHDRAWN.

#8 RP95-31 Steven Griffin requested approval of a replat of part of Lot 12 of Cobb & Lee Survey of the NE 1/4, NW 1/4 of Section 27, T14N, R4E. The property is located at 4708 Frisco Street and 2101 Clark Street.

Mr. Griffin explained that CWL has no water service coming down Frisco Street and it would cost several thousand dollars for him to have this done. CWL has advised him that if he has the two lots replatted, they can service both houses, as they cannot cross property lines with water or sewer laterals.

Mr. McCracken moved to approve the request because of the unusual circumstances, as it appears there would be no other development on Frisco with reason to extend the water main. If either house is sold separately to the other, property will have to be replatted. Mr. Phillips seconded, 6 voted aye, 0 no, REQUEST APPROVED WITH STIPULATION.

#9 FP95-11 Phillips Construction Company requested final approval of Rossland Hills Phase II containing 24 lots on 11.94 acres. The property is located on the west side of Harrisburg Road and is a continuation of Rolling Forest Drive and Brandywine Drive.

Mr. Pitts moved to approve the request as submitted, seconded by Ms. Shaw. Five voted aye, 0 no, one abstained, REQUEST APPROVED.

#10 FP95-13 Mitchell Caldwell requested final approval of plans for Colony Park 4th Addition. The property is located on the south side of Colony Drive, west of Richardson Road.

Mr. McCracken moved to approve the request subject to:

1. Signatures on the drainage easement on the adjoining property
2. Acknowledge because of location of ditch and fact that the street is not on the section line itself, we will accept the easement to cover area instead of right of way
3. Surveyor's seal being affixed to plats

Mr. Damron seconded, 6 voted aye, 0 no, REQUEST APPROVED WITH STIPULATIONS.

#11 PP95-12 Vance Brown requested preliminary approval of subdivision plans for Brownstone Addition containing 29 lots on 11.55 acres. The property is located on the west side of Harrisburg Road, south of Ebbert Drive.

Mr. McCracken made a motion to give preliminary approval subject to:

1. Staff comments
2. Proof of recording on Byars Ranchettes

Mr. Damron seconded, 6 voted aye, 0 no, REQUEST APPROVED WITH STIPULATIONS.

#12 SP95-13 Mike Warden requested approval of site plans for an apartment development containing eight (8) units in two (2) buildings. The property is located on the north side of Richmond Avenue, east of Church Street.

Mr. Warden explained his plans to build two buildings containing 8 one bedroom apartment units to rent for \$425 to \$450 per month, with a brick and vinyl or metal exterior. One person in attendance spoke in opposition but stated he would withdraw his opposition if the owner installed a privacy fence.

Ms. Shaw moved to approve the request subject to:

1. Refurbishing the sidewalk along Richmond and maintaining it
2. Provide privacy fence along east and west sides of property

Mr. Damron seconded, 6 voted aye, 0 no, REQUEST APPROVED WITH STIPULATIONS.

#13 SP95-14 Keith Meredith requested approval of site plans for an new construction office to be located on the southwest corner of Industrial Drive and Highland Drive.

Mr. McCracken moved to approve the site plan subject to:

1. Wood privacy fence on west and south sides also
2. Enclose front ditch with necessary structures

Ms. Shaw seconded, 6 voted aye, 0 no, REQUEST APPROVED WITH STIPULATIONS.