



Legislation Text

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METROPOLITAN AREA PLANNING COMMISSION

APRIL 13, 1993

City Council Chambers 314 W. Washington Avenue Jonesboro, Arkansas

The minutes of the 03-09-93 and 2-23-93 meetings were approved as prepared.

Jon Coleman stated that due to the term expiration of Guy Patteson, who held the position of secretary, it was necessary to elect a new secretary and opened the floor for nominations.

Mr. Little made a motion to nominate Jim Damron for secretary. Mr. McCracken seconded the motion. There were no other nominations. All members present voting aye. MOTION CARRIED.

Mr. Coleman asked for a report from the streamlining committee that was appointed at the last meeting to evaluate procedural matters.

Mr. McCracken stated there were several areas of discussion, but basically five main topics. On three of these five items it was decided that it was not appropriate to make any changes. One of these items was to split duties of the Commission into two or more separate groups depending on the type of project or some other manner. The committee decided it was best to continue to function as a full organization and have this body act on things collectively. Delegation of additional items to staff for administrative approval was also discussed and no change was felt necessary. It was noted that in 1992 the Council did approve an ordinance allowing for administrative approval of some items. The committee also discussed the possibility of spitting the agenda to where the Commission would meet more frequently than once each month. Some of the problems that arose with this was how do you split an agenda, do you stagger the filing dates, does when you file determine which agenda you are on. It was the decision of the committee to not take any action formal action to establish more frequent meetings.

The committee further discussed that fact that many items are coming to the Commission that are deficient, in some cases severe deficiencies in the amount of information and documentation. Attempts are made by staff presently to accommodate all requests and accept all items. The committee decided that the Commission should adopt an affirmative statement to direct the staff to make a preliminary quick review of items received to see if they met minimum requirements. If they do meet minimum requirements accept the plans, if not reject the plans and return them to the appropriate person with notations that the plans are inadequate as files and that the plans will not appear on the agenda for consideration unless the corrections are made in a timely manner. The committee also discussed the many staff comments, engineering comments, utility comments, etc. Most of the developers are trying to get these resolved ahead of time. Additional emphasis should be placed on getting as many of the issues raised by Staff resolved as possible before the meeting so that time is not spent at the meeting talking about these things and therefore more time is devoted to actual discussion of the project.

Mr. McCracken made a motion to direct the staff to make a preliminary review of items submitted to see if they meet minimum requirements for filing. If they do not meet the minimum requirements to reject the item and

send it back and not place it on the agenda. It was further requested that the developers, engineers, surveyors, architects make every attempt to resolve issues prior to meeting time as an informal procedural change. If the voluntary approach doesn't work, then a mandatory procedure may have to be established and in cases where the items have not been addressed they would be withdrawn from the agenda.

Ms. Finley seconded the motion. Voting was 6 in favor, 0 opposed. MOTION CARRIED.

#1 Discussion of an ordinance to enact Storm-water Management Regulations. The purpose of this ordinance is to lessen or avoid hazards to persons and property caused by uncontrolled storm-water runoff or by obstructions to drainage and to lessen the degradation of the quality of surface runoff.

Mr. Coleman stated that a number of public hearings had been held to receive public comment on the ordinance. A summary of the comments from those hearings have been included in a report. The report states there were two specific questions that were evaluated by the MAPC. The first being, "Does this drainage problem exist?" The answer, "Does this ordinance address the drainage problem?" The answer to both is yes; though there may be other, possibly better ordinances that address the problem.

As noted in the report (see attached) there were several principal comments including over-regulation of development, consideration of other alternatives through no specific alternatives have been offered. Another principal comment detention basins, the need for a master drainage plan for the entire city, the fact that this ordinance to not address current problems but attempts to avoid the creation of new problems or aggravation of existing problems. Further comments were no costs to existing developments that caused the problems. Provisions for exemptions on small commercial developments were also a principal comment.

Mr. Coleman informed those in attendance that the Planning Commission would be forwarding a copy of the report of their findings to the City Council without a specific recommendation. As stated in the report, it is beyond the MAPC'S responsibility and expertise to completely examine the drainage problems that exist in the entire city.

In light of no specific recommendation being made to the City Council, Jim Lyons, attorney for some opponents to the plan stated he would withhold his comments until such time as the Council would convene to consider the ordinance. There were no other comments from any person in attendance.

Mr. McCracken made a motion to adopt the report and forward it to the City Council. The motion was seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. MOTION CARRIED.

#2 An ordinance to amend the R-1, R-2 and R-3 zoning ordinances to change the criteria for acceptable accessory buildings in residential zoning districts.

The question was asked as to whether or not the Board of Zoning Adjustments could consider variances to this ordinance. Jim Shaw, City Planner, stated that could consider variances.

Mr. Shaw stated to the Commission that there had been several requests for some very large accessory buildings in residential districts. In some cases the accessory buildings were larger than the house that was on the lot. In some cases this would not be very appropriate, so this ordinance was prepared that does define an accessory building and places size limitations on them. This ordinance does not address commercial, industrial or agricultural districts. Existing structures would be exempt from this ordinance. The ordinance would apply to detached garages

Mr. McCracken made a motion to forward the ordinance draft to the City Council with the recommendation that it be adopted. The motion was seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. MOTION CARRIED.

#3 RZ93-10 McDaniel Investments, Inc. requested approval of rezoning from R-1 to R-3 for 1.70 acres located on the east side of Paragould Drive, north of Prospect Road.

This item was withdrawn at the 2-9-93 meeting and is being submitted again with some revisions to the original plans. There were several in attendance opposed to the request, many of whom stated their oppositions. One of the main concerns of the opposition was the multifamily nature of the rezoning request. There was concern that trailer parks could be established, that home businesses would come in. There was great concern expressed over the fact that city sewer is not available and the soil conditions in the area was not good for septic installation especially for thirty families as proposed. The comment was made that even if Mr. McDaniel installed a package treatment plant that the treated water would have to go somewhere and should probably contaminate the underground water supply.

Many residents stated they bought their homes and properties because of the R-1 zoning of all the surrounding lands and they wanted it to remain R-1. It was stated that practically all of the property within two miles of the property was zoned R-1.

There was concern about problems that would be created by the storm water runoff from all the roofs and parking lots. It was stated that the land was extremely flat. In response to some of the comments that were made Mr. McDaniel stated that the State of Arkansas would have to approve any design of the sewer treatment. Disposal of the treated water would meet their standards. He further stated that he had investigated the possibility of a sewer improvement district and had a cost figure of approximately \$142,000 but had not proceeded with same.

Mr. McDaniel stated that a swale had been added to the plans to handle the storm water runoff on the east side.

Mr. Little made a motion to disapprove the request. The motion was seconded by Mr. Damron. Voting was 6 in favor of the motion, 0 opposed. REQUEST DISAPPROVED.

#4 MP93-6 McDaniel Investments, Inc. Requested approval of a one lot minor plat containing 1.70 acres. The property is located on the east side of Paragould Drive, north of Prospect Road. This item withdrawn.

#5 SP93-6 McDaniel Investments, Inc. requested approval of site plans for an apartment complex containing 30 units. The property is located on the east side of Paragould Drive, North of Prospect Road. This item withdrawn.

#6 RZ93-18 Realty Associates, Bruce Burrow, requested approval of rezoning from R-1 to C-3 for 33.659 acres located on the north side of Race Street, between Caraway Road and Stadium Blvd.

This property is bounded on the west side by the commercial developments on Caraway Road, on the east by the Craighead County Fairgrounds and some commercial establishments, on the north by commercial developments and on the south by commercial developments and a single home.

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

#7 RZ93-19 Calvin Connell requested approval of rezoning from R-1 to C-4 for a part of Lot 11, Block 1 of Cole's 2nd Addition. The property is located on the east side of Cole Street and south of Nettleton Avenue.

This property adjoins some vacant property, owned by Robert Rees, on the southeast corner of Nettleton Avenue and Cole Street. The Rees' property and the property on the east side of Mr. Connell is zoned C-2 presently. The rezoning of this property would put the zoning at the same depth of the adjoining businesses.

There was opposition from several of the neighbors. One of the main objections was the increased traffic on Cole Street. The owners desired for the neighborhood to remain R-1. Presently south of the corner lot is all developed with single family development. They felt this would be a major change in the character of Cole Street, which is a quiet residential neighborhood on a small street. There was some concern expressed about a business that would be facing Cole Street. Mr. Rees stated that he would be happy to stipulate that there would be no business facing Cole Street.

Mr. Rees informed the Commission that he had entered into a contract to purchase the property from Mr. Connell. This property was formerly owned by Cleo Hooker. Mr. Rees stated that he needed the property to put his proposed development on, which is a dry cleaning drop off/pick up station. He further stated that he would be erecting a small building to store clothes in and a big drive through for customers. Mr. Rees informed the Commission that he had submitted a request to the Board of Zoning Adjustments that involved a variance of four sides of this existing property. There was no action taken on the BZA request. Mr. Rees stated that only 10' or so of his proposed building would be located on the Connell property. The remainder of the property would be used for driveways and parking and there would be nothing facing Cole Street.

Mr. Little made a motion to approve the request with the stipulations that a site plan be submitted and approved by the Planning Commission prior to development on the property. The motion was seconded by Mr. Alston. Voting was 5 in favor, 1 opposed. REQUEST APPROVED WITH STIPULATIONS.

#8 RP93-13 Robert Rees and Calvin Connell requested approval of Lot 1, a replat of part of lots 11 and 12, Block 1 of Cole's 2nd Addition. The property is located on the southeast corner of Nettleton Avenue and Cole Street.

This replat is a combination of the property listed in item #7 and the Rees lot on the corner. It was noted that the right-of-ways on Nettleton Avenue and Cole Street that were stipulated in a 1986 request on a portion of the property were not reflected on the current plat of the property. The present plat shows 22.5' on Nettleton and 18.5' on Cole. Ms. Finley asked Mr. Rees if he objected to the 2.5' of right-of-way on Nettleton. The normal right-of-way on Nettleton is 41' from centerline. It was noted that the 25' is in existence on the two commercial properties immediately east of this corner. Mr. Rees said he would not object to the additional right-of-way if he could get a variance on the 2.5'.

Based on the information containing in the 1986 request and a review of the site plan and discussion of the proposed development and the fact that a site plan will be forthcoming on any development project. Mr. McCracken made a motion to approve the replat request subject to 25' of right-of-way on Nettleton Avenue from centerline and 25' right-of-way on Cole Street from centerline. This is the same as the most recent action taken on this parcel. The motion was seconded by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Mr. McCracken further stated that his case before the variance board as far as Nettleton Avenue would be

strengthened considering that the setbacks had increased and the additional right-of-way.

#9 MP93-14 Mary Cathryn Walker requested approval of Lots 1, 2 & 3, a replat of Lot 7 of Shady Acres Cove and part of the SW ¼, SE ¼ of Section 27, T14N, R3E containing 4.71 acres. The property is located on the south side of Sloan Circle, south of Day Drive.

There was some concern about the configuration of the proposed lots. The lot has 60' of frontage on the street but narrows to 30' before widening out. Clay Kenward stated that layout of septic systems and the desire to have three lake front lots were the reasons for the unusual lot configuration. Ms. Walker owns several acres of land in the area, some of which extends to Woodsprings Road. The status of the streets was also discussed. It was noted that the property owners had recently pooled their money and the City has widened the pavement width of the street.

Guy Lowes, City Engineer, stated that if curb and gutter were added to the street, they would need to take care of the drain piping that runs under the street and comes out on this property. If curb and gutter is not required, it would not be necessary. Mr. Lowes further stated that a street improvement would be sufficient to address the needs of the street.

Mr. Alston made a motion to disapprove the request based on the way the subdivision is laid out, particularly the 60' minimum lot width not being complied with the fact that the driveway on one of the lots would actually be behind lot 8 and the house on this lot would be sitting in the back yard. It was further stated that the fall of the land behind the dam is great and probably not sufficient to build on. Mr. Alston withdrew his motion prior to a second being made.

Considering the lot configuration, the fact that we are dealing with an existing subdivision with some un-platted lands, Mr. McCracken made a motion to grant preliminary subdivision approval requesting the owners and their engineers to give further consideration to the layout of the land and come back for final approval next month. The motion was seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#10 FP93-7 Carroll Caldwell and Coy Mac Boyd requested final approval of Ridgepointe Phase II containing 44 lots. The property is located east of Ridgepointe Drive, north of Woodsprings Road.

A motion to approve the request was made by Mr. Little and seconded by Mr. Baker. It was noted that all stipulations from the preliminary approval had been complied with. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#11 fp93-8 Carroll Caldwell and Coy Mac Boyd requested final approval of Ridgepointe Phase 11-A containing three lots. The property is located on the north side of Ridgepointe Drive.

A motion to approve the request was made by Mr. McCracken and seconded by Mr. Little. It was noted that all stipulations from the preliminary approval had been complied with. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

It was noted that the Arkansas Highway Department had rejected plans for a turning lane into this subdivision in Phase I. Based on this; the developers have submitted a revised drawing of the entrance to the subdivision.

Guy Lowes, City Engineer, stated that he had no problem with the design of the intersection but did not feel that

the traffic situation had been adequately addressed. Future development in the area will probably necessitate changes in the intersection design.

#12 PP93-6 David Abernathy and Venture Seven Corporation requested preliminary approval of Abernathy Lake Estates, a subdivision containing 8 lots on 8.02 acres. The property is located on the south side of Nix Lake Drive, west of Tower Park Addition.

A conceptual review of this subdivision was granted at the 3-9-93 meeting. It was noted that the changes discussed at that time had been made.

Mr. McCracken made a motion to grant preliminary approval subject to the utility easements being added to the plat and with the statement that the reason for allowing excessive length of the cul-de-sac was due to the low density of the development (8 lots ranging from $\frac{3}{4}$ acre to 1.25 acres) and the adjoining development and the low traffic volume on both streets. The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#13 PP93-7 Kent Arnold requested preliminary approval of Key Place, a subdivision containing 79 lots on 20.01 acres. The property is located on the south side of Johnson Avenue, east of Paragould Drive.

The main topics of discussion were the numerous items contained in the staff report including drainage plans or lack thereof, lot orientation, street dedication and specifications, utility easements and street names.

Mr. McCracken made a motion to grant preliminary subject to the items in the staff report being addressed on the final plans. The motion was seconded by Mr. Alston. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#14 FP93-9 Kent Arnold requested final approval of Stadium Place, a subdivision containing 17 lots on 29 acres. The property is located on the northeast corner of Stadium Blvd. and Colony Drive.

There were several questions raised about the drainage structures. The street profile as drawn doesn't match what was laid out for construction when the street was improved last year. Actual placement in the field should be adjusted to match the lot point to Colony Drive.

It was noted in the staff comments that the ditch along Stadium was required to be enclosed on projects further north. It was commented that the potential exists for many driveways very close to each other resulting from the lot layout as proposed. Mr. Arnold stated that he was very agreeable to bringing in as few entrances as possible and that he would not be opposed to bringing entrances in along the lot lines to reduce the number of accesses from nine to five. The comment was made that with the piping installed under the drives approximately 25% of the ditch would be enclosed.

It was noted that a good portion of this property is located in the 100 year flood plain and would require additional engineering work prior to issuance of permits.

Mr. McCracken made a motion to grant final approval with the following stipulations:

1. Revision of the plat to show the property line on Colony Drive 30' from the centerline and identified as dedicated right-of-way.
2. That the project engineer, make whatever field adjustments are necessary to match the low point with

- the drop inlet and pipe on Colony Drive.
3. Granting a 10' drainage easement along the east side of Lot 15.
 4. Clarification of the 36" RCP in or across Lot 17.
 5. That the developer, enclose the ditch on Stadium Blvd. with the drainage piping and other necessary structures.

The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#15 SP93-13 Crowley's Ridge Development Council requested approval of site plans for another structure to be built at 2114 N. Church Street.

This is the site of the Headstart Program. It was noted that little information was contained in the plans due to the urgency of the plans and the grant deadline.

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

1. The property lines being shown on the plans
2. The right-of-ways being shown at 30' from centerline on Jessup Drive and 41' from centerline on Church Street.
3. Identify parking spaces within the parking areas to meet the code requirements.
4. The property owner entering into a street improvement agreement for Jessup Drive.

#16 SP93 Bob Harrison, Mike Tedder and Dale Dyer requested approval of site plans for ten apartment units to be built on the northwest corner of Nettleton Avenue and Kitchen Street.

There were several topics of discussion about this project including street right-of-way, drainage structures and details, drainage easements, rearrangement of sidewalks, utility easements, street improvements, fencing.

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

1. Revision of the plans to show no less than 30' of right-of-way on Kitchen and Steele streets along with the necessary dedication documents.
2. Enclosure of the ditch with culverts the full distance of the property on Kitchen Street and Nettleton Avenue. Drainage plans will have to be approved by the City Engineer.
3. Relocation of the sidewalks leading to Kitchen Street to an arrangement leading to the parking lot at rear of the apartments. Revised plans will have to be approved by Staff.
4. Clarification of the drainage easement on the plans to meet the City Engineer's approval.
5. Sizing the drainage pipe in the drive on Steele Street to be approved by the City Engineer.
6. Granting a 10' utility easement along the western portion of the property.
7. The owner(s) entering into a street improvement agreement for the future improvements Kitchen Street, Steele Street and Nettleton Avenue. It was stated that the reason street improvements are not being required now is that the developers have gone to great lengths to improve the ditch and with the revisions in the traffic plans, no one knows where or how wide those improvements should be.
8. The developers install a 6' wooden fence along the west line of the northern most 150' of the property is they do not exercise their option to purchase the land.

The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS

#17 SP93-15 Sonic Drive In requested approval of site plans for a new restaurant to be built on the southeast corner of Stadium Blvd. and Race Street.

The width of the drives on Stadium Blvd. and street improvements on Race Street were the main topics of discussion. It was noted that the median in Stadium Blvd. presently would prohibit left turns at this time but should be widened to a width that would accommodate three lanes. There will be privacy fencing on the east property line and a chain link fence on the south side. It was noted that additional utility easements were needed along Race Street and Stadium Blvd.

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

1. Revise plans to increase the drive width on Stadium Blvd. to 40' total width.
2. Markings for a single exit lane on Stadium until such time as the median is removed.
3. Granting 20' utility easements on both Stadium and Race.
4. Street improvements being made on Race Street including curb and gutter at 24' from centerline and including the necessary pavement in between the curb and paving if paving does not exist. Final drawings on these shall be approved by the City Engineer.

The motion was seconded by Ms. Findley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS

#18 SP93-10 Lowe's Company, Inc. requested approval of site plans for new construction containing 119,000 sq. ft. The property is located on the south side of Highland Drive, west of Fair Park Blvd.

It was noted that the parking variance that had been mentioned was no longer needed. The parking areas have been enlarged to accommodate the required parking and a variance is not needed.

Fair Park Blvd., shown on the east side of this site, for which two entrances are proposed, is not presently a dedicated street. The representatives stated that the street dedication for Fair Park Blvd. was in hand and they were working on the improvement plans. Future projects will also be utilizing Fair Park Blvd.

The City Engineer stated that the floodway issue would have to be totally addressed prior to development being allowed. A problem with the drainage flumes was also discussed.

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

1. The drainage issues be resolved related to the relocation of the floodway or building over the floodway. The City Engineer will have to approve the drainage plans. Permits cannot be issued until this issue has been properly addressed.
2. Final inspections on the building being withheld until the street improvements on Fir Park Blvd. are totally completed from the southernmost entrance to the Lowe's property extending northward to Highland Drive.
3. Correction of the drainage flume situation from the parking lot to Fair Park Blvd. to be approved by the City Engineer.

The motion was seconded by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS

#19 SP93-16 Jim Lindsey and Associates requested approval of “As Built” site plans for the completed Park Lake Addition. The property is located on the south side of Gladiolus Drive, west of Harrisburg Road.

Mr. Little made a motion to approve the request with the statement that there were no major differences in the as built plans when compared to the final plans. The motion was seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#20 FP93-1 Todd Jackson, Jimmy Cox, Roy Milner requested final approval of Woodsprings Estates Phase IV. The subdivision contains 37 lots on 20.37 acres and will be an extension of Spring Hollow Drive and Autumn Drive, west of Morningside Drive, north of Woodsprings Road.

The record plat for Phase IV has been redrawn to conform to the stipulation of the Commission in January. It was noted that the drainage problems adjacent to Phase II have still not been resolved. The City Engineer stated that they had met on site and discussed the project but nothing has been done. Developments in this phase Construct one additional inlet box to the drainage pipe, open a 2nd inlet to an existing box already there. Cleaning of the remaining portion of the ditch in Phase II is still to be done. The ditch on the adjoining property still needs some additional rip rap.

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

1. The drainage revisions including the new inlet box and modifications to the existing inlet box being submitted by the developers, approved by the City Engineer and installed by the developers.
2. Subject to clean out of the ditch in Phase II.
3. The City Engineer reviewing the final, completed set of plans which details the street improvement plans, drainage structures etc. associated with the subdivision.
4. The owners entering into a street improvement agreement for Casey Springs Road.
5. Granting a 10’ utility easement along the south line of Lot 28, Block E.

The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#21 FP92-7 Bob Gibson requested approval of revised drainage plans for Barrett Place Subdivision. The subdivision is located on northwest corner of Caraway Rod and Fox Meadow Lane.

The City Engineer stated that he had no problem with the revised plans that had been submitted.

A motion to approve the request was made by Mr. Little and seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#22 SP93-17 Hillpoint Development Co. requested a conceptual review of plans for a large commercial development and a residential planned unit development. The commercial properties are located on the south side of Windover Road, east of Harrisburg Road. The residential property is located on the south side of Martinbrook Drive, west of Harrisburg Road.

A motion was made by Mr. Little to grant an overall conceptual approval of the two projects. The motion was seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. CONCEPTUAL APPROVAL GRANTED.

MEMORANDUM

DATE: April 13, 1993
TO: Jonesboro City Council

FROM: Metropolitan Area Planning Commission

RE: Storm Water Management regulations

As requested, the Metropolitan Area Planning Commission has reviewed the above referenced ordinance and wishes to make the following report.

This ordinance was placed on the regular meeting agenda on February 9, 1993 and April 3, 1993 for discussion. Additionally, Guy Lowes, Public Works Director and City Engineer, held a public meeting specifically to discuss the proposed ordinance on January 28, 1993 which a member of local engineers, surveyors, architects, and developers attended. Portions of the ordinance were explained and various questions were answered. The MAPC held another public meeting devoted only to discussion of the ordinance on March 23, 1993 at the request of some who felt they were left out of the first meeting.

Through the various meetings, there were two specific questions that the MAPC evaluated. The first was, "Does a drainage problem exist?" There is a consensus among MAPC members that there is a problem. The second question was "Does this ordinance address the drainage problem?" The answer again is yes, although there may be other and possible better, ordinances that address the problem. The MAPC has not been asked to evaluate alternative ordinances; only this one. It is beyond this body's responsibility and expertise to completely examine the drainage problems that exist in the entire City.

Listed below are what seem to have been the principal comments made at the public meetings:

1. The ordinance "over-regulates" development. The requirements are well in excess of the problem and the costs of complying with the ordinance will exceed its benefits.
2. Alternative should be considered before this ordinance is adopted. (No specific alternatives have been offered at this time.)
3. The detention and/or retention basins which may be built could pose problems with regard to safety, appearance, and on-going maintenance.
4. There is a need for a master drainage plan for the entire City.
5. This ordinance only attempts to avoid the creation of new problems or the aggravation of existing problems. It does not address the problems that currently exist.
6. The burden of the ordinance is on new development. No costs are being borne by the existing developments that caused the current problems.
7. There should be some exemption for small commercial developments.

The costs associated with the proposed ordinance have been a recurring concern. All commercial and industrial projects as well as some residential subdivisions will require, at a minimum. Additional money to be spent on engineering. For projects with little or no impact on the existing drainage conditions there may be no other additional costs. However, other projects would have additional costs for drainage structures and the possible loss of use of some of the land for those structures. The costs could vary greatly depending on the existing use of the land, the proposed use, and the physical conditions and location of the property. There also is the issue of the cost of on-going maintenance for drainage structures in residential subdivisions.

The MAPC sees three main benefits of the proposed ordinance:

1. Each project will be evaluated on its own merits. As a part of the preliminary project planning, each must have a drainage plan prepared which evaluates water flow and provides the means to control it and minimize possible off-site drainage problems.
2. In theory, the ordinance will reduce the number of new drainage problems and should keep current problems from being worse.
3. Each property owner or developer is responsible for evaluation of his own site. The cost of the ordinance is paid by all future development projects and there are a variety of means to address the ordinance requirements.

It is the consensus of the MAPC that this report be forwarded to the City Council without a specific recommendation. There are many issues in regard to drainage that are outside the area of responsibility and expertise of this Commission. As stated previously, the MAPC feels that the proposed ordinance does address the current drainage issues which are seen by the Commission; however, there may be many alternatives which this group does not have the means to address.

It is noted that the MAPC members have received copies of a petition signed by approximately 55 individuals who opposed the ordinance.