



## Legislation Text

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**File #:** MIN-91:1612, **Version:** 1

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MAPC MINUTES

MARCH 12, 1991

MEMBERS PRESENT: Coleman, Aycock, Little, Damron, Patteson, Bahn, McCracken

MEMBERS ABSENT: Blalock, Vance

The minutes of the February 12, 1991 meeting were approved as prepared on a motion by Mr. Patteson and seconded by Mr. Damron. All present voting aye.

Item #1 US91-3 Tressie J. Sala requested approval of placement of a mobile home at 9514 E. Highland Drive. The property is located on the north side of Highland Drive, west of Barnhill Road.

A motion to approve the request was made by Mr. Damron and seconded by Mr. Aycock. No opposition was present concerning this request. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

Item #2 RZ91-4 Robbie Lyle requested rezoning from R-1 to C-3 for a part of Lot 5, Block H, and Highland Park Addition. The property is located on the west side of Highway 141 North, north of Bettie Street.

A motion to approve this request was made by Mr. McCracken subject to 41" of right-of-way being shown from the centerline on N. Church Street as stated in the Master Street Plan and subject to a site plan being submitted and approved prior to issuance of a building permit. The motion was seconded by Mr. Bahn. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #3 RZ91-5 Wayne Tate requested rezoning from R-1 to I-1 for 12.26 acres located on a part of the west ½ of the SE ¼ of Section 9, T14N and R3E. The property is located on the east side of Harry Drive, north of Highway 63 Bypass.

A motion to approve this request was made by Mr. McCracken with the following stipulations:

1. The right of being clarified as 30' of dedicated right-of-way from the centerline of Harry Drive.
2. A site plan be submitted and approved prior to issuance of a building permit with that site plan to include the street improvements to be made.
3. The owner entering into a street improvement agreement for Harry Drive.

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

Item #4 MP91-9 Wayne Tate requested approval of a one (1) lot minor plat containing 12.26 acres. The property is located on the east side of Harry Drive, north of Highway 63 Bypass.

A motion to approve this request was made by Mr. McCracken with the following stipulations:

1. The right of being clarified as 30' of dedicated right-of-way from the centerline of Harry Drive.
2. A site plan be submitted and approved prior to issuance of a building permit with that site plan to include the street improvements to be made.
3. The owner entering into a street improvement agreement for Harry Drive.

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

Item #5 RZ91-6 Howard Vance and Carl Fielder requested rezoning from R-1 to I-1 for 5.379 acres located on a part of the NW ¼, SE ¼ of Section 9, T14N and R3E. The property is located on the east side of Harry Drive, between Highway 63 Bypass and Highway 63B (Dan Avenue). Mr. Patteson made a motion to approve this request with the following stipulations:

1. The owner getting an official dedication for Doris Place up to Harry Drive.
2. The owner entering into a street improvement agreement for Doris Place.
3. A site plan be submitted and approved prior to issuance of a building permit.

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

Item #6 MP91-13 Howard Vance and Carl Fielder requested approval of a two (2) lot minor plat containing 5.379 acres. The property is located east of Harry Drive, north of Highway 63 Bypass, (Adjacent to the Tate property - MP91-9).

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

1. The owner getting an official dedication for Doris Place up to Harry drive.
2. The owner entering into a street improvement agreement for Doris Place.
3. A site plan be submitted and approved prior to issuance of a building permit.

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

Item #7 RZ91-7 Max Dacus, Jr. requested rezoning from C-3 to I-1 for Lot 1 of Max Dacus, Sr.'s Addition. The property is located on the north side of W. Washington Avenue, east of Stratford Drive.

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

Item #8 RP91-7 Max Dacus, Jr. requested approval of Lots 1A and 1B, a replat of Lot 1 of Max Dacus, Sr.'s Addition. The property is located on the north side of W. Washington Avenue, east of Stratford Drive.

A motion to approve this request was made by Mr. McCracken and seconded by Mr. Patteson. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

Item #9 RZ91-8 Dale Williams requested rezoning from R-1 to C-3 for 10.0 acres located on a part of the SE ¼ of Section 33, T14N and R4E. The property is located on the east side of Stadium Blvd., south of Higginbottom

Creek and north of the Craighead County Highway Department.

Mr. Aycock made a motion to approve the rezoning and the minor plat (item #11) subject to the drawing being revised to show the property line moved to the western boundary of the right-of-way. The motion was seconded by Mr. McCracken. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #10 MP91-12 Dale Williams requested approval of a one (1) lot minor plat containing 10.0 acres. The property is located on the east side of Stadium Blvd, south of Higginbottom Creek and north of the Craighead County Highway Department.

See item #9.

Item #11 RZ91-9 Larry Payton requested rezoning from R-1 to I-1 for 21.71 acres located on a part of the SW ¼, SW ¼ of Section 24, T14N and R4E. The property is located on the east side of Commerce Drive, north of Highland Drive.

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

1. That an easement be granted for the ditch bordering the property if requested by the City Engineer.
2. That a site plan be submitted and approved prior to issuance of a building permit.
3. The owner entering into a street improvement agreement for Commerce Drive.

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

Item #12 MP91-14 Larry Payton requested approval of a one (1) lot minor plat containing 21.71 acres. The property is located on the east side of Commerce Drive, north of Highland Drive.

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

1. That an easement be granted for the ditch bordering the property is requested by the City Engineer.
2. That a site plan be submitted and approved prior to issuance of a building permit.
3. The owner entering into a street improvement agreement for Commerce Drive.

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

Item #13 RZ91-10 Northside Church of Christ and Phil Stevenson requested rezoning from R-1 to R-2 Lot 3 of Stevenson's Subdivision of a part of Lot 2 of Cobb and Lee Survey of the NW ¼ of Section 17, T14N and R4E. The property is located on the southwest corner of Scott Street and Belt Road and contains 3.06 acres.

This rezoning was originally submitted for an R-3 classification which was approved by the Commission on 12-11-90. The request encountered much opposition when it reached the City Council. First reading of the ordinance was granted by the Council on 12-17-90. As of this date the second and third readings have not been requested by the petitioners. After meeting with the people in the area, the petitioners have changed their request and are not seeking an R-2 classification which is the zoning district on Scott Street south of this property. Several in attendance voiced opposition to the request, particularly with reference to apartment development. A position was also submitted containing signatures of people living in the area opposed to

apartment development. A petition was also submitted containing signatures of people living in the area opposed to the rezoning. It was explained that the existing church use was compatible in either zoning district.

Ending the discussion was a motion made by Mr. McCracken to approve the rezoning stating that the Commission is very sympathetic with the adjacent owners but also advised that this request for R-2 rezoning is more restrictive than the R-3 zoning that was originally sought and is the same zoning for most of Scott Street. The zoning to the west is zoned R-3 which is less restrictive than R-2 zoning.

Included as a part of Mr. McCracken's motion was the stipulation that before the church is converted to any other use that a site plan would have to be submitted and approved by the Commission that would address various things such as parking, buffering, fences, yards, setbacks, streets, trees, etc. which places a greater restriction on this property than the property to the south which is zoned R-2 or the property to the west which is zoned R-3. The motion was seconded by Mr. Aycock. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #14 RP91-9 Northside Church of Christ and Phil Stevenson requested a replat of Lot 3 of Stevenson's Addition. The property is located on the southwest corner of Scott Street and Belt Road.

Mr. McCracken made a motion to approve this request subject to a site plan being submitted and approved by the Commission when the church is being requested for conversion to a non-church use. The motion was seconded by Mr. Patteson. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #15 MP91-7 Harold Bozarth and others requested approval of a minor plat containing seven (7) lots on 50.15 acres. The property is located on the south side of Woodsprings Road at the western boundary of the city limits.

It was explained that when the right-of-way was secured for Highway 226, the Highway Department split the Bozarth property on both the northeast and northwest corners. The property was hiered to the Bozarth children to be divided equally into four (4) separate tracts. The division by the Highway Department left a 1.96 acre tract on the northeast corner of the property and two (2) very small tracts on the northwest corner (017 acre). These three (3) tracts all lie north of Highway 226 and are not connected to the bulk of the property, thus the reason for having seven (7) lots. The Commission realizes that this plat creates two (2) lots that are not in compliance with the Ordinances, but this is all the land that is there to be platted. All of the property has frontage on an improved State highway and is part of an estate settlement and should not be considered as setting the precedence for approving multiple lot plats without a subdivision plan.

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

Item #16 MP91-8 Ronnie White requested approval of a two (2) lot minor plat containing 2.02 acres. The property is located on the east side of Kersey Lane, approximately ¼ mile south of Valley View Road.

Mr. White's engineer explained that these lots are taken out of a 30 acre tract owned by Mr. White. It was noted that there are currently houses under construction on each of these lots for which permits are issued. It was further stated that it is inappropriate for the Commission to approve items such as this for a developer without requiring street improvements prior to development. A motion to approve the request was made by Mr. McCracken subject to the lot line on the western boundary being redrawn to show 30' of dedicated right-of-way

from the centerline of Kersey Lane and subject to the owner entering into a street improvement agreement on these two lots. Mr. McCracken further stated that any further development by this owner will require subdivision plans to be submitted at which time street improvements will be reviewed and will be required with those improvements to be made in front of these two houses in addition to the rest of the subdivision. All plans are to be approved prior to construction. The motion was seconded by Mr. Patteson. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #17 RP91-6 Marvin Hinton requested approval of Lots 1A and 2A, a replat of Lots 1 and 2, Block H of the Belmont Addition. The property is located on the southwest corner of Greenbriar Drive and Rose Avenue.

A motion to approve this request was made by Mr. Patteson and seconded by Mr. Damron. Voting was 5 in favor, 1 opposed. REQUEST APPROVED.

Item #18 MP91-10 Lucinda McDaniel requested approval of a one (1) lot minor plat containing 12.80 acres. The property is located on the north side of Peachtree Avenue, west of Bridger Road.

A motion to approve this request was made by Mr. Patteson subject to the owner entering into a street improvement agreement for Peachtree Avenue and the drawing being revised to show the property line at the right-of-way line. It was stated that there was a house under construction on this site and that it puts the Planning Commission in an awkward position when approval is sought for projects that are already started.

The Commission asked that the word be passed around that all steps be taken to prevent things of this nature from happening in the future. The number of houses to be built is to be clarified. The motion was seconded by Mr. McCracken. Voting was 5 in favor, 1 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #19 MP91-11 Kevin Watkins requested approval of a one (1) lot minor plat containing 1.0 acre. The property is located on the west side of Duncan Road, north of Blakenship Road.

Mr. Aycock made a motion to approve this request subject to the owners dedicating 50' of right-of-way to the west line of this property and entering into a street improvement agreement for Duncan Road. The motion was seconded by Mr. Bahn. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #20 RP91-8 J.T. Barr and Max Dacus, Sr. requested approval of Lots 1, 2, 3 & 4, a replat of Lot 9 & 10, Block A of Cedar Heights 6<sup>th</sup> Addition and Lot 5, Block B of the First Replat of Cedar Heights 4<sup>th</sup> Addition. The property is located on the north side of E. Johnson Avenue, east of Russell Drive and south of Stacy Drive.

A motion to approve the request was made by Mr. McCracken subject to a site plan being submitted and approved prior to issuance of a building permit. The motion was seconded by Mr. Aycock. Voting was 5 in favor, 1 abstaining. REQUEST APPROVED WITH STIPULATIONS.

Item #21 MP91-15 Joseph L Burns requested approval of a one (1) minor plat containing 2.046 acres. The property is located on the east side of S. Culberhouse Street, north of Shade Tree Drive.

Mr. Little made a motion to approve the request subject to assurance being provided that the remaining property owned by Mr. Rees is being accessed by and does indeed border on a dedicated street. If not, the owner is to provide a 50' street dedication to the rear of this lot instead of the 30' private drive. The motion was seconded by Mr. Aycock. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

The meeting adjourned at 9:45 p.m.