



## Legislation Text

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Minutes for the MAPC meeting on November 13, 2001.

MINUTES

METROPOLITAN AREA PLANNING COMMISSION

NOVEMBER 13, 2001

MEMBERS PRESENT: Beadles, Little, Damron, Gott, Street, Krennerich, Shaw, Phillips

MEMBERS ABSENT: Johnson

Other in attendance were Glenn Batten, City Planner; Phillip Crego, City Attorney; Claude Martin, City Engineer; Teddy Hooton, Engineering Department; Brian Wadley, Planning Coordinator.

The minutes of the October 9, 2001, meeting were approved with a correction to item #3, regarding participation in a street improvement agreement.

#1 RZ01-46 Herb Stallings requested approval of rezoning from the Residential R-2 Multi-Family Low Density District to the Commercial C-4, Neighborhood Commercial District, for Lots 9 and 20, Block B of Stallings 5<sup>th</sup> Addition. The address of the property is 2906 Stallings Lane and the general location of the property is on the north side of Stallings Lane, west of Stadium Blvd.

Opposition was expressed by some in the area stating that traffic was already very heavy through here because a lot of people use Stallings as a cut through. They further stated there were too many unknowns with what was planned for the property and rezoning this property to commercial would be setting a precedent for even more rezoning in the future. Opponents questioned if there wasn't a more restrictive type zoning that they could use, preferably one that would limit uses to low volume, office type uses.

City Planner, Glenn Batten, pointed out that there is a single family residence currently on this property and the adjacent property. A lot of traffic is turning west off Stadium, both from the north and the south where there is a protected left turn, on to Stallings cutting through to Caraway Road. There is a very short distance between Stadium and where the necessary curb cut would have to be. This distance does not permit any stack up space for the turning movements off Stadium which would adversely affect the neighborhood. Another concern was the rezoning is from one core category to another core category in a stabilized neighborhood. Concern was also expressed regarding the extreme grade changes from the front to the rear.

George Hamman, Project Surveyor, stated that his client would consider a lesser intensive rezoning to C-5 if the Commission wanted to consider that. Ms. Shaw asked the City Planner whether the C-5 zoning would change any of his comments. Mr. Batten responded that the C-5 zoning would shorten the list of potential uses but you would still have the traffic concerns, the traffic movements off Stadium, the grade issue. There are several acres of vacant land already zoned C-3 in the area that could be developed.

Ms. Shaw made a motion to recommend disapproval of the request to the City Council stating that: 1) the

proposal is not consistent with the medium density designation contained in the land use plan; 2) the proposal is not compatible with the uses in this very established neighborhood; 3) the rezoning would have a detrimental effect on nearby properties; 4) the rezoning would destabilize the neighborhood. The motion was seconded by Mr. Gott. Voting was 6 in favor, 0 opposed, 1 abstaining. Those voting in favor were Little, Gott, Street, Krennerich, Shaw, Phillips. Those abstaining were Damron. MOTION CARRIED, REQUEST DISAPPROVED.

#2 RZ01-47 Michael L. Thompson requested approval of rezoning from Residential R-1 Single-Family Medium Density District to the Commercial C-3 General Commercial District for 1.06 acres located on a part of the NE ¼, SE ¼ of Section 26, T14N, R3E. The general location of the property is on the north, northwest side of Paula Drive, west of Parker Road.

Skip Mooney, Sr., representing Dr. Thompson stated that plans for the property included the relocation of Dr. Thompson's dental office. Skip pointed out that a portion of property in this request is actually already zoned C-3. Although the application says C-3 zoning, Skip stated that they wanted to amend the application to C-3 Limited Use Overlay to reassure the neighbors that uses will be limited to those specified in the LU-O. This rezoning is before the entryway into the residential area.

Some area residents spoke in opposition to the request citing the general nature of C-3 zoning and the uses permitted as one reason to oppose it. Some felt that the church adjacent to this property was the buffer between the residential area and the commercial areas to the east. Concern was also expressed regarding the other vacant lands that adjoin this property.

City Planner Glenn Batten noted that the configuration of the property is a little unusual in that Paula Drive split the C-3 zoning that is existing which left a small portion of C-3 property on the north side of the road. There are also heavy, overhead electrical lines running through the property on two sides which intersect at the corner of the property. This would have to be dealt with. Mr. Batten stated that he felt like the church provided a transition between the commercial and residential properties.

A rezoning to a professional office district with limited use is probably more appropriate for this parcel or it could be developed using residential zoning. The site is heavily wooded and is very attractive and if the site development plan would blend the building in with the trees and surrounding development, it could be an asset to the neighborhood.

Mr. Krennerich questioned Mr. Mooney about whether neighborhood office zoning district would be an option for his client. This district limits parking and size and style of the building. Mr. Mooney said he didn't know if C-5 would meet his client's needs or not. He further stated that the electrical lines really made the lot unattractive for residential development and posed a bit of a challenge even for commercial development. He said the utility companies had been contacted about relocation and have reached an agreement with CW&L to perform this relocation. He further stated that they wished to amend their request to change from a C-3 to a C-3 LU-O so that the neighborhood is protected. His clients own the adjacent properties as well.

Mr. Krennerich made a motion to recommend disapproval of the request for C-3 and for C-3 LU-O stating that he felt C-5 neighborhood commercial was the more appropriate zoning for this location. The motion was seconded by Mr. Damron. Voting was 7 in favor, 0 opposed. Those voting aye were Phillips, Shaw, Krennerich, Street, Gotta, Damron, Little. MOTION CARRIED, REQUEST DISAPPROVED.

#3 MP01-23 Michael L. Thompson requested approval of Thompson's Paula Drive Addition, a one lot minor

plat containing 1.06 acres. The general location of the property is on the north, northwest side of Paula Drive, west of Parker Road.

No action was taken on this item due to the disapproval of item #2.

#4 RZ01-48 David Abernathy requested approval of rezoning from Residential R-1 Single-Family Medium Density District to the Commercial C-3 General Commercial District for 1.69 acres located on a part of Tract One of Stonefield Addition and a part of the south ½ of the NW ¼ of Section 14, T14N, R4E. The address of the property is 3700 E. Johnson Avenue and the general location of the property is on the south side of Hudson Drive, west of Pleasant Grove Road.

Glenn Batten, City Planner, stated that the proposal is consistent with the Future Land Use Plan as well as the purpose of the Zoning Ordinance and is keeping with other rezoning that have taken place in the recent months. There is a house on the east side of the proposal. When coupled with other zoning changes in recent months there would be an impact on public facilities and services particularly the intersection of Johnson Avenue, Pleasant Grove Road and Hudson Drive.

Glenn stressed that all of the C-3 property west of the Pleasant Grove and Johnson Avenue intersection needed to be planned together to promote the best possible internal circulation; to place buildings so that visibility is maintained for all and avoid conflicts; and coordination of ingress-egress points. Glenn recommended that the Commission consider a C-3 LU-O designation, instead of the general C-3 designation, which would allow a stipulation to be place on the zoning that would require a coordinated planning effort to address the issues of street and driveway locations and interconnections; compatible land uses; complimentary building locations and appearance; and unified storm water drainage and utility systems. A realignment of Hudson Drive with Johnson Avenue was also discussed.

Ms. Shaw made a motion to recommend disapproval of the request for the C-3 general zoning district and instead recommend rezoning of a C-3 LU-O designation to the City Council with the stipulation that prior to specifying the land uses to be permitted in this zone district, a site development plan (meeting the general standards of Chapter 14.36 of the Zoning Ordinance) shall be submitted to the MAPC for review and approval. This required site development plan shall illustrate the proposed layout for the subject six acre site and its relationship to existing and proposed streets, land uses, buildings, driveway locations, drainage, utilities, and other features on adjoining and nearby properties. The motion was seconded by Mr. Street. Voting was 7 in favor, 0 opposed. Those voting aye were Shaw, Phillips, Little, Damron, Gott, Street, Krennerich. MOTION CARRIED, AMENDED REQUEST APPROVED WITH STIPULATIONS.

#5 RZ01-49 Alan Mulles requested approval of rezoning from the Residential R-1 Single-Family Medium Density District to the Residential R-3 Multi-Family High Density District for 4.05 acres located on a part of the SE ¼, NE ¼ of Section 15, T14N, R4E. The address of the property is 4501 Aggie Road and the general location of the property is on the south side of Aggie Road, west of Paragould Drive.

WITHDRAWN PRIOR TO MEETING

#6 RZ01-50 Jonesboro Real Estate Holdings Co., Inc. and Jonesboro City Water & Light requested approval of rezoning from the Residential R-2 Multi-Family Low Density District to the Commercial C-1 Downtown Core Commercial District for all of Lots 1, 2, 3, 5, 6 and the south ½ of Lot 4, Block “A”, Lot 1 of Block “D” and Lot 2 of Block “E” of Elders Addition; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18 and the north ½ of a closed alley lying south of and adjacent to Lot 13 of Burns and Lutterloh’s Subdivision; and Lots, 1, 2 and 3 of

Block “D” and the north ½ of a closed alley lying south of and adjacent to Lot 3 of Block “D”; and Lot 1, 2, and 3 and the south ½ of a closed alley lying north and adjacent to Lot 1 of Block “E” of Wood Subdivision of Block “D” and “E” of Elders Addition. The location of the property is on the east side of Carson Street, north of Monroe Avenue, west of Bridge Street and south of Creath Avenue.

Mr. Krennerich stated that he felt everyone was familiar with this request located east of the CW&L offices and there was little doubt that it should and will be developed commercially.

It was noted that a request is forthcoming to abandon the street right crossing the property and replat them with the other lots.

Mr. Krennerich made a motion to recommend approval of the rezoning to the City Council, including the street right of ways and alleys. The motion was seconded by Ms. Shaw. Voting was 7 in favor, 0 opposed. Those voting aye were Krennerich, Shaw, Phillips, Little Damron, Gott, Street. MOTION CARRIED, REQUEST APPROVED.

#7 CU01-6 Buddy and Peggy Tilley requested approval of a conditional use to place a manufactured home, residential style, at 917 Sweetheart Lane.

Ms. Shaw made a motion to table this request due to lack of representation. The motion was seconded by Mr. Street. Voting was 7 in favor, 0 opposed. Those voting aye were Street, Krennerich, Shaw, Phillips, Little, Damron, Gott. MOTION CARRIED, REQUEST TABLED.

#8 SP01-3 Stone Harbor Horizontal Property Regime, Inc. requested approval of revised site development plans for Stone Harbor. The address of the property is 1401 Stone Street, and the general location of the property is on the west side of Stone Street, south of Nettleton Avenue.

Randall Wheeler, President of the Association, stated that the drive had been blocked for years by posts to prevent trucks and such from passing beside what was then Auto Zone and through the parking lot at the condos. The Fire Department, in a letter, concurred with the removal of the designation as a fire lane saying it was not needed. Mr. Wheeler said they planned to install a billboard on the site. Some commissioners questioned the use of the property for billboards but noted that the zoning was permissive.

A motion was made by Mr. Street and seconded by Mr. Little to approve the revised plans and remove the fire lane designation. Voting was 5 in favor, 1 opposed, 2 abstaining. Those voting aye were Gott, Street, Phillips, Little, Beadles. Those voting no were Ms. Shaw. Those abstaining were Damron, Krennerich. MOTION CARRIED, REQUEST APPROVED.

#9 PP01-9 Rick Turman requested preliminary approval of plans for Turmans Commercial Parks, a commercial subdivision containing 21 lots on 10 acres. The general location of the property is on the east side of Stadium Boulevard, south of Higginbottom Creek.

Questions were raised by Commissioners regarding an alternate access to the site and the length of the cul-de-sac which is more than 1,200’ long, which is 800’ longer than specified in the ordinance. There were questions raised by the City Engineer regarding drainage and pipe specifications.

A motion to table the request was made by Ms. Shaw and seconded by Mr. Damron until such time as these issues are addressed. Voting was 7 in favor, 0 opposed. Those voting in favor were Gott, Street, Krennerich,

Shaw, Phillips, Little, Damron. MOTION CARRIED, REQUEST APPROVED.

#10 PP01-10 Bill Benton requested preliminary approval of plans for Murray Wood Subdivision containing 19 lots on 11.79 acres. The general location of the property is on the north side of Neely Road, west of Neely Lane.

Several questions were raised by the City Engineer regarding the radius on the Neely Road intersection, culvert sizes, material specifications and culvert locations. The angle of the intersection should also be 90°.

Mr. Krennerich made a motion to table due to incomplete plans. The motion was seconded by Ms. Shaw. Voting was 3 in favor, 4 opposed. Those voting aye were Gott, Krennerich, Shaw. Those voting no were Little, Damron, Street, Phillips. MOTION FAILED.

A second motion was made by Mr. Phillips and seconded by Mr. Little to grant preliminary approval subject to compliance with the engineering and staff comments regarding the items noted in the first motion. The motion was seconded by Mr. Little. Voting was 3 in favor, 4 opposed. Those voting aye were Little, Damron, Phillips. Those voting no were Gott, Street, Krennerich, Shaw. MOTION FAILED.

#11 OA01-1 An ordinance to amend Ordinance #954 known as the zoning ordinance providing for a change in the text of the ordinance.

It was pointed out that the ordinance changes filing deadlines, meeting dates, filing requirements for rezoning submittals to the City Council and other changes to decrease the chances of creating errors by trying to meet a quick turnaround deadline from the MAPC on Tuesday and the City Council deadline on Thursday.

Mr. Krennerich made a motion to recommend approval of the ordinance amendment to the City Council. The motion was seconded by Ms. Shaw. Voting was 7 in favor, 0 opposed. Those voting aye were Phillips, Shaw, Krennerich, Street, Gott, Damron, Little. MOTION CARRIED, REQUEST APPROVED.

#12 RP01-67 Jim Abel requested approval of a replat of Lot 7, Block F of Woodland Heights Phase II; and Lots 8-19, Block F, Lots 16-27, Block E, Lots 1-7, Block G of Woodland Heights Phase III. The general location of the property is on the north and south sides of Lafayette Lane and the east and west sides of Charleston Drive.

A motion to table the request due to lack of representation was made by Ms. Shaw and seconded by Mr. Damron. Voting was 7 in favor, 0 opposed. Those voting aye were Phillips, Shaw, Krennerich, Street, Gott, Damron, Little. MOTION CARRIED, REQUEST TABLED.