



## Legislation Text

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**File #:** MIN-92:1636, **Version:** 1

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### METROPOLITAN AREA PLANNING COMMISSION

AUGUST 11, 1992

The minutes of the July 14, 1992 meeting were approved as prepared.

#1 An ordinance to amend Chapter 14, Zoning, of the Code of Ordinances of the City of Jonesboro, Arkansas to establish setback requirements for structures built in commercial and industrial zoning districts.

It was noted that the C-3 Zoning District currently has no required building setbacks. Setbacks are determined by type of construction. The ordinance as prepared specifies minimum setbacks for commercial and industrial zoning districts.

In response to a question, about side yard setbacks in C-3 zoning, it was stated that in a situation where an existing building was built on the property line, an adjoining property owner could petition the Board of Zoning Adjustments to grant a variance to build closer to the line with the proper fire rated wall.

A question was raised from the floor concerning the application of this ordinance to signage. It was stated that the City's Building Code classifies billboards and signs as structures. As written, it would apply to sign. Jim Shaw, City Planner, stated that it was the intent of the ordinance to regulate actual building placement and should not affect sign installations and he would revise the ordinance accordingly.

Mr. McCracken made a motion to approve this draft ordinance based on the Commission's review and recommend its adoption by the City Council with the following revisions:

1. Change the term structure to building to clarify that the reference is to buildings and not signage).
2. The front yard setback in C-5 zoning be changed to 30'.
3. The front yard setback in I-1 be changed to 30'.
4. The side yard setback in C-5 be changed to 7.5'.

It was further stated that the City Planner should review the ordinance to see if a note should also be added to the ordinance stating that fire lanes, as required by the Fire Department, may increase building setbacks. The motion was seconded by Mr. Baker. Voting was 5 in favor, 0 opposed. ORDINANCE APPROVED WITH REVISIONS.

#2 An ordinance to amend Chapter 15, Subdivision Regulations, of the City of Jonesboro to allow, in certain instances, more rapid approval of certain subdivision plats in the residential zoning districts.

This ordinance would allow approval of one (1) lot minor plats in house without having to go before the Planning Commission. This process would speed up the approval for a single lot development.. A series of minor plats would not be allowed. Minor plats would require approval by the City Administration and either the chairman, vice-chairman or secretary of the Planning Commission.

A motion was made by Mr. McCracken to recommend adoption of the ordinance based on the review of the

Planning Commission with the following revisions:

1. Delete the part of Section 2a stating “prior to annexation into the City of Jonesboro”.
2. Delete Section 2b in its entirety.
3. Delete the repetitive wording concerning approval by the vice-chairman and secretary in the chairman’s absence.
4. Add a section 4a to state that if no action is taken with 15 days the item shall be placed on the next Planning Commission agenda if the filing requirements and deadlines have been met.
5. Add a section 4b to state that if administrative approval of a request is denied the applicant could re-file their application to the Planning Commission for their review. The motion was seconded by Ms. Finley. Voting was 5 in favor, 0 opposed. ORDINANCE APPROVED WITH REVISIONS.

#3 An ordinance to amend Chapter 14, Zoning, of the Code of Ordinances of the City of Jonesboro, Arkansas, to regulate the use and location of commercial trailers.

The purpose of this ordinance is to establish standards to regulate the use and location of commercial trailers in the City of Jonesboro. These standards are necessary to promote public safety and preserve property values.

One question asked was who could apply for placement, the owner of the property or the lessee or who? It was stated that it would be the responsibility of the property owner or their agent to be aware of any activity within their property.

A motion was made by Mr. McCracken to recommend adoption of the ordinance based on the review of the Planning Commission with the following revisions:

- 1) Add a section .g to state that trailers should be placed in such a manner to ensure the safety of the occupants, customers, vehicles. Permits could be revoked if found to be unsafe.

It was further stated that the City Planner should investigate the need and desirability of placing some type of per diem fine in this ordinance for enforcement purposes and that whatever decision he reaches with the City Attorney if regards to this that it be placed in the ordinance prior to refereeing the ordinance to the City Council. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. ORDINANCE APPROVED WITH REVISIONS.

#4 RZ92-19 Rex and Eddie Meredith requested approval of rezoning from R-1 to R-2 for 2.74 acres located on the east side of Patrick Street, north of Pratt Circle.

It was noted that a previous request was tabled in 1989 due to a wide variety of mixed uses. The commercial use and some other uses have since been eliminated from the property. The Meredith’s desire is to bring their property into compliance with current zoning laws.

A motion was made by Mr. McCracken to approve the rezoning request with the statement that we are dealing with property currently being used for apartments and the requested zoning does meet the current development. A further statement was made that this should not indicate that further rezoning in this area would be approved. The motion was seconded by Ms. Finley. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#5 RP92-27 Rex and Eddie Meredith requested approval of a replat of part of Lot 1 and all of Lot 10, Block B of Pratt Subdivision and a part of the unrecorded plat of Patrick Street Subdivision. The property is located on the east side of Patrick Street, north of Pratt Circle, north of Pratt Circle.

Mr. McCracken made a motion to approve the replat with the stipulation that the plat be redrawn to show the property line be at the right-of-way. It was further stipulated that a street improvement agreement be entered into for future improvements on Patrick Street. The motion was seconded by Ms. Finley. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#6 RZ92-20 James Pyle requested approval of rezoning from R-1 to C-3 lots 4, 5 & 6 of Wakefield Acres Subdivision. The property is located on the east side of Wakefield Drive, north of Harrisburg Road. Skip Mooney, Jr. stated the Wakefield subdivision came in to being about eight years ago. Two lots were sold immediately and later the third on which nice houses have been built, but the owner has been unable to sell any additional lots due mainly to the surrounding commercial developments. The lots back up to the commercial properties on Stadium Blvd. He further stated that a logical use for this property would be for expansion of those businesses. They have no particular development plan at this time.

A petition containing signatures of several in the area opposed to the rezoning was presented to the Commission.

Some concern was expressed by the Commissioners over the type of development plans, buffering and the fact that all development to this point in the subdivision is in compliance with R-1 zoning requirements.

A motion was made by Mr. McCracken to table the request based on the lack of development plans, the fact that there are other lots within the subdivision that are owned by Mr. Pyle and no intent being stated for them. He further noted that Lots 2 & 3 were previously tabled that adjoin this property. Mr. McCracken stated that he possibly a different configuration on street layouts, buffering etc. could be presented for further review but he could not take favorable action in its present form. The motion to table was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST TABLED.

#7 MP92-33 Ray and Linda Kerr requested approval of a two lot minor plat containing 11 acres. The property is located on the west side of Caraway Road, north of Golf Course Drive.

It was noted that when Club Place was approved for Kent Arnold there was a stipulation that a provision be made for continuation of a street. The plat was revised and Craighead Forest Road was extended to the east property line of the subdivision. The Kerr's own the property adjoining that subdivision and for the road to continue eastward in its present location it would be crossing the Kerr property. The owner stated that their future plans may interfere with the placement of a road.

A motion to approve was made by Mr. Little subject to a street improvement agreement being entered into on Caraway Road and also with the stipulation that a site plan be presented for approval prior to development on the remainder of the property. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#8 SU92-3 Ray and Linda Kerr requested approval of placement of a mobile home on Lot 2 of Linda Kerr Subdivision. The property is located on the west side of Caraway Road, north of Craighead Forest Road.

A motion to approve was made by Mr. Baker and seconded by Mr. McCracken. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#9 SP92-10 George and Sean Stem requested approval of site plans for a building to be built on Lot 2 of George Stem's First Commercial Addition. The property is located on the east side of Stadium Blvd. north of

Harrisburg Road.

A motion to approve this request was made by Mr. Baker subject to the parking and drives being improved to City Codes. The motion was seconded by Mr. Little. Voting was 5 in favor, 0 opposed.

#10 RP92-26 Mitchell Caldwell and Shelby Phillips requested approval of a replat of Lot 11 of Colony Park First Addition. The property is located on the southwest corner of Colony Road and Richardson Road.

A motion to approve was made by Mr. McCracken and seconded by Mr. Damron subject to the owners signing the plat. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#11 FP92-6 Mitchell Caldwell and Shelby Phillips requested revised final approval of Colony Park Second Addition. The subdivision contains 18 lots on 7.35 acres and is located on the southwest corner of Colony Drive and Richardson Road.

Mr. McCracken made a motion to grant final approval of revised plans of Colony Park 2<sup>nd</sup> Addition with the following stipulations:

1. Clarification of the drainage easement on the plat as noted in the staff comments.
2. Sewer easement be added to the plat to show 50' of right-of-way and 10' sewer easement.
3. Owners signing the plat.

A further part of this motion was that the reason improvements are not being required on Richardson Road is the fact the lots front on two streets and there is also a large, existing ditch adjacent to Richardson Road. The developers have already entered into a street improvement agreement for Richardson Road and the inability to determine what the development plan for this road is going to be.

The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#12 FP92-8 Ed & Wanda Vaughn requested final approval of Autumn Hills Subdivision containing 15 lots on 14 acres. The property is located on the west side of Mt. Carmel Rod, southeast of Highway 49 (Southwest Drive).

Ms. Finley made a motion to approve subject to the owners signing the plat. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#13 FP92-7 Bob Gibson requested final approval of plans for Barrett Place, a subdivision containing 104 lots on 36.57 acres. The property is located on the west side of Caraway Road, north of Fox Meadow Lane.

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

1. Details of the drainage plans for intersection Fox Meadow Land and Caraway Road being provided to the approved by the City Engineer.
2. Subject to the utility easements being granted as noted on the plat,
3. Revision of the plans to show curb, gutter and drainage on Caraway Road as approved by the City Engineer, with the placement of that curb being placed at 24' from the centerline with the city being responsible for the pavement work and the developer being responsible for the curb, gutter, underground drainage (as needed) and base work
4. revise the plans to delete the ditch that is no longer needed in front of lots 25, 26 & 27 because of the

water is now being handled by underground pipe.

The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#14 FP92-9 Roy Cooper requested final approval of subdivision plans for Roy Cooper Subdivision containing 2 lots on 20.15 acres. The property is located on the east side of Stadium Blvd. north of Fire Academy Drive.

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

1. The plat being revised to show the street dedication for Ole Feed House Road curvature of the north/south section being further to the east with that side location being subject to the City Engineer's approval.

2. This property owner not being responsible for improvements on the portion of Old Feed House Road beginning at the point of curvature going south at this time, but be required to enter into a street improvement agreement for future improvements on both sides of the street on this section when it is improved.

The motion was seconded by Mr. Baker. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#15 SP92-12 Betty Shaw, Terrace Homes Inc. requested approval of site plans for a Group Home to be built on the northwest corner of Johnson Avenue and Scott Street.

Mr. McCracken made a motion to approve the request subject to the 4' fence being changed to a 6' fence. The motion was seconded by Mr. Baker. Voting was 4 in favor, 1 abstaining. REQUEST APPROVED WITH STIPULATION.

#16 SP92-13 Betty Shaw, Terrace Homes Inc. requested approval of site plans for a Group Home to be built on the southeast corner of Melrose Street and Word Cove.

A motion to approve the request was made by Ms. Finley and seconded by Mr. Damron. Voting was 4 in favor, 1 abstaining. REQUEST APPROVED.

#17 PP92-5 Gary Bearden, requests preliminary approval of Garden Place, a subdivision containing 7 lots on 2.85 acres. The subdivision is located east of Metzler Lane will be a continuation of Chickasaw Avenue southward.

This item was withdrawn prior to any discussion.

MP92-34 Mid-South Bank requested approval of a minor plat containing 1.14 acres. The property is located on the southeast corner of Highland Drive and Fair Park Blvd.

The right-of-way for Fair Park Blvd. and its actual construction were the main issues of discussion. The existing plat shows 20' existing right-of-way on the west side of the proposed street and 62' coming off the bank's tract. It was stated that there are legal considerations that have prevented the recording of dedications deeds. When Arby's was approved in 1991 it was stated that the possibility exists that the 25' on the east side of the Arby's property or a portion may be needed for right-of-way. It is intended that Fair Park Blvd. would be located on the most western portion of the right-of-way to allow for as much alignment as possible with Bittle Street on the north side of Highland Drive. The bank's representative stated that the bank is prepared to pave a

24' portion of street with curb and necessary drainage on their side of the proposed street and necessary drainage on their side of the proposed street to be used for ingress and egress to their building. Mr. McCracken made a motion to approve the plat request subject to the lot line on the west side being corrected to show the western boundary ending at the 62' right-of-way line as shown on this plat and remove the curb and gutter that is shown.

Mr. McCracken further stated that all of the parties involved need to get together and work out the details of the location of this street for it to become a reality. The motion was seconded by Mr. Baker. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#19 SP92-14 Mid-South Bank requested approval of site plans for a branch bank to be built. The building contains 864 as. Ft. and will have four drive through lanes. The building is located on the southeast corner of Highland Drive and Fair Park Blvd.

Mr. McCracken made a motion to approve the site plan with the stipulations that the exit on the eastern side being widened to allow for a turn lane and the property owner agrees to install curb, gutter and underground drainage as needed and 24' of asphalt paving in accordance with City Code with the exact location of these improvements to be resubmitted to the Planning Commission for their approval with the improvements being installed no later than completion of the building and opening of the business. The motion was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#20 MP92-35 Rex Caldwell request approval of a one (1) lot minor plat containing 2.615 acres, The property is located on the east side of Duncan Road, north of Winchester Drive.

A motion to approve the request was made by Mr. Little and seconded by Ms. Finley subject to the street name being corrected on the plat. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATION.

#21 MP92-36 Sam Tuck requested approval of a one (1) lot minor plat containing 18.44 acres. The property is located on the west side of S. Culberhouse Street, south of Morningveiw Drive.

A motion to approve was made by Ms. Finley and seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#22 RP-32 Charles Pratt requested approval of a revised plan for Charles Pratt Acres, a subdivision that was accepted by the City after the annexation in 1989.

This is a revised plat of a subdivision that was accepted by the commission in July of 1989 following the mass annexation. This would actually be a replat of that existing plat. A motion was made by Mr. Little and seconded by Ms. Finley. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

Other business:

The Commissioner gave a no of approval to Jim Heatherly for expansion plans (double the present building) of his existing truck terminal. The property was annexed R-1, was and is being used industrially and Mr. Heatherly stated that to wait for the normal deadlines and filing requirements and other procedures to be adhered to would be a sewer setback. It was stated to Mr. Heatherly that he would have to comply with any conditions that may be forthcoming and he agreed to abide by same. There were no foreseeable problems by the Commissioners concerning this request.