



## Legislation Text

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Minutes for the MAPC meeting on April 13, 2004.  
Metropolitan Area Planning Commission Minutes, April 13, 2004

MEMBERS PRESENT: Beadles, Vance, Damron, Gott, Moore, Harpole, Day, Johnson

MEMBERS ABSENT: Krennerich

OTHERS PRESENT: Claude Martin, City Engineer; Teddy Hooton, City Engineer, Phillip Crego, City Attorney; Ron Shipley, Acting City Planner; Brian Wadley, Planning Coordinator

The minutes of the March 9, 2004 meeting were approved as prepared on a motion by Mr. Harpole, second by Mr. Damron and unanimous vote.

#1 CU04-3 Sandy Modelevsky requested approval of a conditional use to establish an agricultural animal use in the R-1, Single-Family Medium Density District. The address of the property is 2816 Day Drive and the general location of the property is west of Woodsprings Road, east of the Ridgpointe Subdivision and north of Day Drive.

Bobby Gibson, Attorney for Dr. Cooper, stated that his client was buying the property and desired to build a home like a country estate where he would like to have the ability to raise some animals, principally horses and cattle and maybe a few goats within the limits of the zoning regulations.

Eugene Hammon, an adjacent property owner, spoke in opposition to this item. Mr. Hammon stated that the fence line of this property is just a short distance from his patio behind his home. He further stated that sometimes animals and humans don't get along that well in such close proximity. The major objections were the smell and flies that are associated with animals. Another concern was that animals, especially horses, have a tendency to break through fencing. Feeding by neighbors would tend to keep the animals coming to the area frequently. The fence now is a five strand, barbed wire fence. Mr. Hammon contended that animals this close to his property would take away the use and enjoyment of their facilities and he objected to this use.

Mr. Gibson stated that there is existing line of trees that extends approximately 300' into the property on the Ridgpointe side of the property and that it would be unlikely that the animals would actually be coming into this area. Another fence is proposed that would also keep the animals further away from the existing fence on the property line. Mr. Gibson pointed out that there is another property in the area to the north that presently has animals.

Mr. Hammon stated that some clearing had occurred between the existing property line and the tree line which would provide a clearing for the animals to walk in.

Ron Shipley, Acting City Planner, stated that based on a couple of different factors, which are contained in the staff report, the use is not consistent with the land use plan and disapproval is recommended.

Mr. Vance questioned what the ordinance says about animals on two or three acres. It was explained that it is unlimited for horses and cattle when you have two acres of pasture.

Dr. Cooper addressed the commission and informed them that where the animals will be is not even visible from the Ridgepointe residences. The existing fence on the property line will stay in place but a proposed fence will be constructed that will not allow animals into the wooded area. Dr. Cooper currently has four horses and anticipates having less than ten head of cattle. It is not a money making operation.

Mr. Vance asked exactly what the MAPC was being asked to do tonight. It was explained that the zoning will allow it if the MAPC approves it as a conditional use subject to the limitations of Chapter 6 of the Jonesboro Code of Ordinances regarding the numbers of animals. On pastures of two acres or more the number of horses and cattle is unlimited. On all other animals there is a limitation of five.

Mr. Hammon requested that the MAPC stipulate that a 300' buffer be provided between this property and the Ridgepointe Subdivision. This would basically put it out of site and smell.

Mr. Harpole made a motion to approve the request with the stipulation that a buffer of two to three hundred feet, where the line of trees is now, be maintained in its vegetative state between the Ridgepointe Subdivision and the proposed new fence line. The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed, 1 abstention. Those voting aye were Damron, Gott, Moore, Harpole, Day, Johnson. Those abstaining were Vance. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#2 CU04-4 Sherry Gardner and Donna Sullins requested approval of a conditional use to place an emergency housing unit on the property at 216 Purnell Lane as a medical hardship for Sherry Gardner. The general location of the property is on the east side of Purnell Lane, north of Dan Avenue.

Ms. Sullins stated that her sister's medical condition was such that she needed to be available for care at all times. Her property is surrounded by trees on three sides and the home will be placed behind the existing home and will not be visible from the street either.

No opposition was expressed by anyone in attendance.

Approval of the conditional use was recommended by Ron Shipley, Acting City Planner.

A motion to approve the request was made by Mr. Vance and seconded by Mr. Damron. Voting was 7 in favor, 0 opposed. Those voting aye were Johnson, Day, Harpole, Moore, Gott, Damron, Vance. MOTION CARRIED, REQUEST APPROVED.

#3 CU04-5 Timothy and Lisa Lawson requested approval of a conditional use for placement of a manufactured home, residential style, in the R-1, Single Family Medium Density District. The address of the property is 5615 Valley Ridge Trails and the general location of the property is on the west side of Valley Ridge Trails, south of Valley View Drive.

Ms. Lawson stated that all area owners had signed her affidavits and they will be moving their family to this site if approved.

No opposition was expressed by anyone in attendance.

Approval of the conditional use was recommended by Ron Shipley, Acting City Planner.

A motion to approve the request was made by Mr. Day and seconded by Mr. Vance. Voting was 7 in favor, 0 opposed. Those voting aye were Harpole, Moore, Gott, Damron, Johnson, Day, Vance. MOTION CARRIED, REQUEST APPROVED.

#4 RZ04-5 Belz-Burrow II, and Belz Investco requested approval of rezoning from the R-2, Multi-Family Low Density District to the C-3, General Commercial District for 12.25 acres located on a part of the NE ¼, SE ¼ of Section 21, T14N, R4E. The general location of the property is on the north side of Highland Drive, east of Turtle Creek.

Dennis Zolper, representing Belz-Burrow, stated that they had recently found out that some of the acreage in the 75 acres where the new mall is planned had not been rezoned. The acreage east of Turtle Creek is zoned R-2.

No opposition was expressed by anyone in attendance.

Approval of the rezoning was recommended by Ron Shipley, Acting City Planner.

A motion to recommend approval of the request to the City Council was made by Mr. Vance and seconded by Ms. Moore. Voting was 7 in favor, 0 opposed. Those voting aye were Vance, Harpole, Moore, Gott, Johnson, Day Damron. MOTION CARRIED, REQUEST APPROVED.

#5 RZ04-4 Kenneth and Corliss Lynn Yarbrough requested approval of rezoning from the R-1, Single Family Medium Density District to the C-3, General Commercial District for 60.57 acres located on a part of the SE ¼ of Section 2, T13N, R3E. The general location of the property is north of Valley View Drive, east of the Valley View School Campus and south of Southwest Drive.

WITHDRAWN.

#6 RZ04-6 Scott Moore requested approval of rezoning from the R-1, Single Family Medium Density District to the C-3, General Commercial District for .92 acre located on a part of the SW ¼, SW ¼ of Section 14, T14N, R3E. The general location of the property is on the southeast corner of West Washington Avenue and West Matthews Avenue.

WITHDRAWN.

#7 RZ04-7 Shipp Properties requested approval of rezoning from the R-1, Single-Family Medium Density District to the R-2A, Multi-Family Medium Density District for Lot 4 of the Stevenson Subdivision. The general location of the property is on the southeast corner of Belt Street and Scott Street.

Tip Shipp of Shipp Properties stated that his intentions are to build a 12 unit apartment building, all two bedroom, two bathroom. He stated that he was surrounded by R-2 zoning and uses.

No opposition was expressed by anyone in attendance.

Approval of the rezoning was recommended by Ron Shipley, Acting City Planner.

A motion to recommend approval of the request to the City Council was made by Mr. Harpole and seconded by Mr. Damron. Voting was 7 in favor, 0 opposed. Those voting aye were Harpole, Vance, Gott, Moore, Day, Damron, Johnson. MOTION CARRIED, REQUEST APPROVED.

#8 RZ04-8 D. C. Investments requested approval of rezoning from the R-1, Single Family Medium Density District to the R-2, Multi-Family Low Density District for Lot 1 of Bower Replat of Lot B of Mills Estate Subdivision. The address of the property is 4215 Richardson Drive and the general location of the property is on the west side of Richardson Drive, south of Ingels Road.

Craig McDaniel of D. C. Investments stated the property is narrow on the front, about 60' wide, approximately 550' feet deep and then widens at the back which is closest to the railroad tracks. Sanitary sewer is not available to the site so only a four plex would be built at this time.

A couple of residents from the area spoke in opposition to the request. There are no apartments in this area and none even close by. One gentleman stated that it is all families who own their homes and this use would be detrimental. A petition containing 11 signatures of people from the area opposed to the proposal was presented to the Commission. The property owner at 4217 Richardson stated that the 60' strip leading to the rear property runs right beside her house. All vehicles entering or exiting the property would pass within a few feet of her home. Apartment living tends to increase crime also. Water stands on the property year round and city sewer is not available. Seepage from septic systems is a problem now with existing properties especially when it rains.

Approval of the rezoning was recommended by Ron Shipley, Acting City Planner.

When asked what his recommendation was based on, Mr. Shipley responded that the proposal does fit the future land use plan and this request meets all the approval criteria.

Commissioner Gott questioned if this would be considered spot zoning since there is nothing but R-1 Zoning in the entire area. Across the railroad tracks is commercial property but the tracks separate the properties.

A motion by Mr. Gott and second by Mr. Damron to disapprove the request due to spot zoning was withdrawn prior to voting at the request of Mr. McDaniel who then withdrew his request.

WITHDRAWN.

#9 RZ04-9 Wayne and Selma Tate requested approval of rezoning from the I-1, Limited Industrial District to the R-2A, Multi-Family Medium Density District for Lots 1 - 12 in Block D and Lots 1 - 12 in Block C of Stuck and Stuck 2<sup>nd</sup> Addition. The general location of the property is south of Belt Street, north of Word Avenue and east of Calion Street.

Item #9 cont...

Linda Douthitt, a resident on Rogers Street, spoke in opposition to the request. She herself is a forty year resident and others on the street have lived there longer. She stated that she was speaking for people in the Rogers Street, Belt Street and Greensboro Road area. Lack of upkeep in existing apartment complexes and the unwanted traffic, both vehicular and pedestrian, were some of the reasons stated for opposing the request. Additional apartments would greatly increase the traffic in the area as well as reduce property values for those who own their homes. Criminal activity would increase drastically. There are many instances of crime in this area documented by police reports. The west side of Rogers Street backs up to this proposed development which could contain as many as 400 people. A petition containing the signatures of approximately 60 persons

in the area was presented to the Commission.

Robert Ryan, of Respect our Neighborhoods (RON), stated that they were very much against the addition of new apartment complexes particularly in this area. There are many problems in apartment city now. Property values will go down with the construction of more apartments in the area. Lack of maintenance leads to run down apartments and run down apartments attract drug traffic and high crime and they are opposed.

Another resident of the area cited trespassing and drug traffic from other apartments in the area are causing problems for him and his neighbors. Shooting incidents and other acts of crime are a common occurrence in surrounding apartment developments. Several people stood in opposition to the request.

Approval of the rezoning was recommended by Ron Shipley, Acting City Planner.

A motion by Mr. Vance to recommend approval of the rezoning to the City Council died for lack of a second.

Mr. Damron made a motion to disapprove the request due to the high concentration of people that would or could be located in this area. The motion was seconded by Mr. Gott. Voting was 6 in favor, 1 opposed. Those voting aye were Gott, Moore, Damron, Harpole, Day, Johnson. Those voting no were Vance. MOTION CARRIED, REQUEST DISAPPROVED.

#10 RZ04-10 Russ and Joyce Anderson requested approval of rezoning from the I-1, Limited Industrial District to the C-2, Downtown Fringe Commercial District for .12 acre located on a part of the NW ¼ of Section 17, T14N, R4E. The address of the property is 1005 E. Johnson Avenue and the general location of the property is on the south side of Johnson Avenue, east of Patrick Street.

No opposition was expressed by anyone in attendance.

Ron Shipley, Acting City Planner, stated that this request was a little bit different because of the C-2 which is typically fringe downtown zoning. They are trying to be consistent with what is happening downtown with the residence upstairs and business uses downstairs which would probably be more conducive to the traffic and businesses along E. Johnson Avenue and approval was recommended.

Commissioners questioned the C-2 zoning for this parcel stating that the zoning is wrong for this area. The use is compatible but the zoning requested is not appropriate for the area. An amendment to the zoning ordinance is probably in order because it does not currently address these types of uses outside of the downtown district. Dr. Beadles stated that it would be a bad precedent to establish this zoning away from the downtown area. The buyer informed some of the commissioners last week of his intent to make the downstairs available for lease for commercial business with an apartment upstairs.

Mr. Vance made a motion to disapprove the request stating that designating this area as fringe downtown would be a mistake. The motion was seconded by Mr. Damron who stated that he wasn't opposed to the types of uses proposed but it was stretching downtown too far. Voting was 7 in favor, 0 opposed. Those voting aye were Vance, Johnson, Day, Damron, Gott, Moore, Harpole. MOTION CARRIED, REQUEST DISAPPROVED.

#11 RZ04-11 Jack and Jane Elam requested approval of rezoning from the AG, Agricultural District to the C-3, General Commercial District for 21.86 acres located on a part of the SW ¼, SW ¼ of Section 24, T14N, R4E. The general location of the property is on the east side of Commerce Drive, approximately 600 feet north of Highland Drive.

No opposition was expressed by anyone in attendance.

Approval of the rezoning was recommended by Ron Shipley, Acting City Planner.

A motion to recommend approval of the rezoning to the City Council was made by Mr. Day and seconded by Mr. Johnson. Voting was 7 in favor, 0 opposed. Those voting aye were Johnson, Vance, Harpole, Day, Moore, Gott, Damron. MOTION CARRIED, REQUEST APPROVED.

#12 FP04-2 Burden Homes requested final approval of Chapel Hill Subdivision, a residential subdivision containing 44 lots on 23.59 acres in the R-1, Single Family Medium Density District. The general location of the property is on the south side of Kellers Chapel Road, approximately ½ mile west of Southwest Drive.

George Hamman, representing Burden Homes, stated that he had received a list of comments and stipulations regarding this item and that all of them had been addressed with the exception of two engineering comments. Those two are separation of the detention areas from the lots and they have requested an opinion from the City Attorney on that and the other is a review of a small storm drainage area.

No opposition was expressed by anyone in attendance.

Claude Martin, City Engineer, stated that he had not actually seen the changes on any plans but that Mr. Hamman had agreed to take care of all of them. A legal description of the detention ponds is needed. The lines are drawn but there are no descriptors or limitations of the area involved.

Mr. Hamman stated they would have to review this carefully so that the lots do not end up being unbuildable due to square footage if they separate the ponds from the lots.

Another comment by the City Engineer had to do with one of the detention ponds that is now showing 50” pipe as the outflow and 42” coming in. This would not detain much water and additional information is needed.

Mr. Day made a motion to approve the request with the stipulation that the developer submit revised plans to include all the agreed to changes to the City Engineer and Planning Staff for their review and approval

The motion was seconded by Mr. Johnson. Voting was 7 in favor, 0 opposed. Those voting aye were Day, Damron, Gott, Moore, Vance, Harpole, Johnson. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#13 FP04-3 H.A.M.L. Investments, Inc. requested final approval of South Caraway Village, a commercial subdivision containing 11 lots on 72.57 acres in the C-3, General Commercial District. The general location of the property is on the west side of Caraway Road, south of Higginbottom Creek, and east of Medallion Circle.

No opposition was expressed by anyone in attendance.

It was noted that all stipulations had either been met or agreed to by the developer.

A motion to approve the request subject to compliance with the agreed upon changes was made by Mr. Vance and seconded by Ms. Moore. Voting was 7 in favor, 0 opposed. Those voting aye were Harpole, Moore, Gott, Vance, Johnson, Day, Damron. MOTION CARRIED, REQUEST APPROVED.

#14 FP04-4 Jimmy Coleman requested final approval of Coleman's Lawrence Street Addition, a residential subdivision containing 16 lots on 3.63 acres in the R-1, Single Family Medium Density District. The general location of the property is on the east side of Lawrence Street, east of Mays Road.

No opposition was expressed by anyone in attendance.

It was noted that the preliminary stipulations had been addressed or were agreed to by the developer.

Rick Foreman of McAlister Engineering stated that the preconstruction and post construction flow calculations had been tabulated and that it was not necessary to create any type of detention areas.

Claude Martin, City Engineer, asked that a statement to that effect about the detention be added to the plans. Mr. Foreman responded that they would do it.

Mr. Harpole made a motion to approve the request subject to compliance with the City Engineer's comments regarding a statement on the plans about not needing detention and showing the driveway pipe sizes on the plans. The motion was seconded by Mr. Vance. Voting was 7 in favor, 0 opposed. Those voting aye were Gott, Harpole, Vance, Moore, Damron, Johnson, Day. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#15 FP04-5 Jimmy Coleman requested final approval of Coleman's Mays Road Addition, a residential subdivision containing 15 lots on 4.82 in the R-1, Single Family Medium Density District. The general location of the property is on the east side of Mays Road, south of Lost Creek.

No opposition was expressed by anyone in attendance.

Commissioner Day asked what steps would be taken to keep the houses from being built right on the ground because it is so low and flat.

Mr. Day made a motion to approve the request subject to compliance with the City Engineer's comments regarding a statement on the plans about not needing detention and showing the driveway pipe sizes on the plans. It was further stipulated that due to the low ground elevations that each home would have to be built at least one foot above the existing centerline of the street on Mays Road. A statement to this effect is to be added to the record plat. The motion was seconded by Mr. Vance. Voting was 7 in favor, 0 opposed. Those voting aye were Day, Harpole, Johnson, Gott, Moore, Damron, Vance. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#16 FP04-6 Danny Wallis and Randy Simpkins requested final approval of Ridge Run Subdivision Phase V, a residential subdivision containing 23 lots on 9.079 acres in the R-1, Single Family Medium Density District. The general location of the property is on the west side of Paragould Drive, south of Cypress Springs Drive.

No opposition was expressed by anyone in attendance.

A motion to grant final approval was made by Mr. Day and seconded by Mr. Johnson. Voting was 7 in favor. Those voting aye were Johnson, Vance, Day, Damron, Harpole, Gott, Moore. MOTION CARRIED, REQUEST APPROVED.

#17 PP04-4 Bob Harrison and Todd Wilcox requested preliminary approval of Southbend, a residential subdivision containing 58 lots on 20.942 acres in the R-1, Single Family Medium Density District. The general location of the property is on the west and south sides of Harrisburg Road, east of Apt Drive.

Rick Foreman of McAlister Engineering stated that they had done a study of the preconstruction and post construction and had prepared a 65 page study. The study shows that two detention ponds are needed and they will be installed in the subdivision which will eliminate some lots. A key channel is supposed to be installed as well. Mr. Foreman stated that revised plans had been taken to the City Engineer's office on Thursday, April 8<sup>th</sup>. A bridge under Harrisburg Road is also going to be replaced by the Arkansas Highway Department.

Claude Martin, City Engineer, stated that they did not have time to review the revised plans. The original plans were submitted on March 17<sup>th</sup> but revised plans were delivered on April 8<sup>th</sup>. Commissioner Day was concerned about revised plans being received only three days before the meeting and not having sufficient review time.

A property owner in the area of Horseshoe Trails stated that she was concerned about the increased water runoff if something isn't done. It was explained that the construction of two detention ponds will not increase the runoff and may provide some relief downstream as well. Maintenance of the detention ponds is to be determined by the final submission.

Mr. Day made a motion to grant preliminary approval of the plans subject to review by the City Engineer of the drainage calculations for the development acknowledging the possibility that there might have to be modifications to the plans at the end of his review. The motion was seconded by Mr. Harpole. Voting was 7 in favor, 0 opposed. Those voting aye were Day, Vance, Johnson, Moore, Gott, Damron, Harpole. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#18 PP04-10 Brent Stidman and James Crawford requested preliminary approval of Jamestown Manor, a residential subdivision containing 33 lots on 14.254 acres in the R-1, Single Family Medium Density District. The general location of the property is on the west side of Darr Hill Road, approximately ¼ mile north of Southwest Drive.

Carlos Wood, Project Engineer, stated that he had received a list of all the engineering and staff comments and they were in agreement with them and that all would be addressed on the final plans. Mr. Wood explained that a property owner's association would be responsible for maintenance of the detention ponds.

No opposition was expressed by anyone in attendance.

Mr. Vance made a motion to grant preliminary approval of the subdivision with the following stipulations:

1. Show the pond as common areas or pond, not part of lots
2. Need information on the detention pond
3. @ Sta. 7+00 and 11+00 on Jamestown can we straighten out x-drain under road elevations on contours
4. Show Pam Drive
5. Show Darr Hill Road

The motion was seconded by Mr. Day. Voting was 7 in favor, 0 opposed. Those voting aye were Harpole, Vance, Johnson, Moore, Gott, Damron, Day. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.



#19 PP04-11 Bob Gibson requested preliminary approval of Griffin Park Subdivision Phase V, a residential subdivision containing 23 lots on 7.103 acres in the R-1, Single Family Medium Density District. The general location of the property is on the west side of Southwest Drive, north of Trailwater Drive.

Carlos Wood, Project Engineer, stated that he had received a list of all the engineering and staff comments and they were in agreement with them and that all would be addressed on the final plans.

No opposition was expressed by anyone in attendance.

Mr. Harpole made a motion to grant preliminary approval of the request with the following stipulations:

1. Granting a drainage easement on all pipes, ditches, and swales
2. Placing rip rap at all pipe ends
3. Need the Q on 18" pipe on Lot 14

The motion was seconded by Mr. Day. Voting was 7 in favor, 0 opposed. Those voting aye were Gott, Harpole, Day, Moore, Vance, Damron, Johnson. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#20 PP04-12 Elite Land Developers, LLC, requested preliminary approval of Sullivan Estates, a residential subdivision containing 87 lots on 25.256 acres in the R-1, Single Family Medium Density District. The general location of the property is on the west side of Crowleys Ridge Road, north of Branchwood Lane.

Carlos Wood, Project Engineer, stated that he had received a list of all the engineering and staff comments and they were in agreement with them and that all would be addressed on the final plans. Maintenance of the detention pond will be addressed on the final plans. The pond area will be dry except during periods of rain so that area could be used for recreation or other uses.

No opposition was expressed by anyone in attendance.

Mr. Vance made a motion to grant preliminary approval of the subdivision with the following stipulations:

1. Show impoundment area on record plat as pond, not a lot or lots
2. Need drainage information on pond, lot 36 & 37 has 21" pipe
3. Sullivan Circle @ Sta. 5+00, drainage arrows should be at Sta. 4+00
4. Extend pipe between lot 36 and 37, 20 and 21 on all sides
5. Granting a drainage easement on all pipes, swales and ditches
6. Placing rip rap at all pipe ends
7. On Sheet 6 of 10 plan needs to match drainage plan on sheet 2 of 10.
8. Inlet capacity at Sta. 29+00 and 21+00 Sullivan Circle.
9. Show right of way width on Crowleys Ridge Road
10. Look a providing an outlet to the north

The motion was seconded by Mr. Harpole. Voting was 7 in favor, 0 opposed. Those voting aye were Vance, Moore, Harpole, Johnson, Day, Damron, Gott. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#21 PP04-13 Frank Macon requested preliminary approval of Dunwoody Huntcliff Phase II, a residential subdivision containing 12 lots on 13.53 acres in the R-1, Single Family Medium Density District. The general

location of the property is on the east side of Culberhouse Street and is a continuation of Huntcliff Drive southward.

Carlos Wood, Project Engineer, stated that he had received a list of all the engineering and staff comments and they were in agreement and that all would be addressed on the final plans. An additional access will be looked at in a future phase to the east.

No opposition was expressed by anyone in attendance.

Mr. Day made a motion to grant preliminary approval of the subdivision with the following stipulations:

1. Determining the status of Lot 1, is it buildable?
2. Look at a future connection to the south
3. Granting a drainage easement on west side of Lots 1 and 2 if needed
4. Inlet in cove - check capacity, may need extension
5. Need to show special flood plain from Higginbottom Creek.
6. Providing access to a public right of way for Lot 1
7. Addressing the one foot spite strip adjacent to Lot 1
8. Resolving all drainage issues from the first phase of the subdivision

The motion was seconded by Ms. Moore. Voting was 7 in favor, 0 opposed. Those voting aye were Day, Gott, Damron, Moore, Vance, Harpole, Johnson. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#22 PP04-6 Vance Brown requested preliminary approval of Brownstone Phase II, a residential subdivision containing 17 lots on 5.69 acres in the R-1, Single Family Medium Density District. The general location of the property is on the west side of Harrisburg Road, south of Brownstone Drive.

WITHDRAWN.

#23 SP04-14 HJH Developments, Inc. requested approval of site development plans for an apartment complex containing 208 units in 13 buildings in the R-3, Multi-Family High Density District. The general location of the property is on the east side of Caraway Road, north of Glenn Place.

No opposition was expressed by anyone in attendance.

There was discussion about needing another access into the property for emergency access. The developers stated they were willing to participate in achieving this access to the property to the east. It will be maintained as gravel and will only be used in the event of an emergency, otherwise it will be gated.

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

- 1, Need pond information
2. Connection @ SE Corner.
3. Fire hydrant in center.
4. Turning radius @ corners.
5. Need details on erosion control.
6. Dumpster locations?

The motion was seconded by Mr. Day. Voting was 7 in favor, 0 opposed. Those voting aye were Johnson, Moore, Damron, Gott, Vance, Harpole, Day. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

**OTHER BUSINESS:**

#24 Billy and Betty Gerlach requested approval of a utility easement abandonment on Lots 1 & 9 in Block C of Spring Valley Subdivision. The address of the property is 3805 Neely Lane.

It was explained that the City Council had starting referring easement abandonments to the Metropolitan Area Planning Commission for their review and recommendation.

Mr. Day made a motion to approve the request subject to consent by all the utility companies. The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed, 1 abstaining. Those voting aye were Day, Johnson, Damron, Gott, Moore, Harpole. Those abstaining were Vance. MOTION CARRIED, REQUEST APPROVED.