



## Legislation Text

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Minutes for the MAPC meeting on March 9, 2004.  
Metropolitan Area Planning Commission Minutes, March 9, 2004

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

MEMBERS ABSENT: None

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

Chairman Beadles introduced and welcomed Gary Harpole to the Commission. Mr. Harpole is a new appointment by Judge Haas.

The minutes of the February 10, 2004 meeting were approved as prepared on motion by Mr. Gott, second by Mr. Damron and unanimous vote.

#1 RZ04-3 C. R. Miles requested approval of rezoning from the R-1, Single Family Medium Density District to the R-2A, Multi-Family Medium Density District for 32.58 acres located on a part of the East one half of Section 7, T14N, R4E. The general location of the property is on the west side of Patrick Street, south of Lost Creek.

Jim Lyons, Attorney representing Mr. Miles and R. B. Smith Development, stated that if rezoned they buyers would construct 48 garden style apartment units in three buildings on the site. The site consists of 30 acres mostly in a flood plain and of which approximately 12 to 14 acres is in the floodway. Only 6 acres will be used with the proposed development and the rest will remain in green space. Complete site development plans will be submitted for approval.

The proposal is consistent with the land use plan and surrounding land uses and approval was recommended by Ron Shipley, acting City Planner.

Mr. Gott made a motion to recommend approval of the request to the City Council with Mr. Damron making the second. Voting was 8 in favor, 0 opposed. Those voting aye were Gott, Damron, Vance, Moore, Krennerich, Harpole, Day, Johnson. MOTION CARRIED, REQUEST APPROVED.

#2 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WITHDRAWN PRIOR TO MEETING.

#3 CU04-2 Larry and Betty Jones 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 1020 Darlene Street and the general location of the property is on the northwest corner of Darlene Street and Mitzi Lane.

Proper notification was given to the property owners within 200' feet of the boundaries of the site. Approval was recommended by Ron Shipley, acting City Planner.

No opposition was expressed by anyone in attendance.

A motion to approve the request was made by Mr. Damron and seconded by Mr. Krennerich. Voting was 8 in favor, 0 opposed. Those voting aye were Damron, Vance, Moore, Gott, Krennerich, Harpole, Johnson, Day.  
MOTION CARRIED, REQUEST APPROVED.

#4 PP04-2 Burden Homes requested preliminary 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.

Chairman Beadles read a list of comments compiled by the City Engineer, City Planning Staff and the utility companies to the Commission and those in attendance and asked the Project Engineer, George Hamman, what their response to these would be. The comments were provided to the project engineer in advance.

George Hamman, Project Engineer, stated that most of these comments were addressed on the plans but were overlooked.

Ron Shipley, acting City Planner, stated that approval is recommended with reservation due to some real issues regarding off site easements for sanitary sewer. Mr. Hamman stated that they had received verbal approval for the easement but did not have the signed documents in hand.

Claude Martin, City Engineer, stated that the retention basins need to be shown on the record plat. Mr. Martin also requested clarification of how each property owner was supposed to maintain those basins. Usually a property owners association would assume this responsibility rather than individual property owners. Mr. Martin further stated that the erosion control needed to be looked at very closely due to the soil type which will erode easily. The project engineer should be responsible for formulating a plan and specifying the erosion control design. Maintenance of the retention pond is an important issue and needs to be guaranteed in some fashion.

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

1. The project engineer shall be responsible for inspecting and certifying that the subdivision is built to plans and specs.
2. Show the flows in all pipes and inlets on the final plans
3. Provide preconstruction & post construction surface water flows
4. Address the issue of erosion to adjoining property at the discharge of X-4
5. Obtaining a drainage easement from the cemetery or piping the ditch on your property
6. Rip rap needs to be placed at all pipe ends and needs to be on all pipes
7. Show pipes on all pages of the plans where that particular section is shown

8. Show where outlet structures are to be placed
9. The responsibility for maintenance of the retention ponds needs to be in place on the final plans
10. Need to specify hay bails or silt fence on plans
11. Is hole in top of outlet structures to remain open?
12. Specify which storms were considered when preparing the retention areas
13. Look at the possibility of installing a staged outlet on the retention ponds
14. Submitting plans and specifications for the permanent erosion control measures due to the soil types
15. Granting a 15' utility easement around the perimeter of the subdivision
16. Granting a 10' utility easement between Lots 5-7 and 9-11, and between Lots 31-33 and 34-36, and between Lots 38-39 and 23 & 25
17. Off site sanitary sewer easements need to be obtained and submitted with the final plans

The motion was seconded by Mr. Krennerich. Voting was 8 in favor, 0 opposed. Those voting aye were Vance, Moore, Damron, Johnson, Krennerich, Harpole, Day, Gott. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#5 PP04-3 D. C. Investments requested preliminary approval of Oak Garden Addition, a residential subdivision containing 7 lots on 9.39 acres in the R-3, Multi-Family High Density District. The general location of the property is east of Caraway Road, at the east end of Glenn Place.

Chairman Beadles read a list of comments compiled by the City Engineer, City Planning staff and the utility companies to the Commission and those in attendance and asked the Project Surveyor, Terry Bare, what their response to these would be. The comments were provided to the project surveyor in advance.

Mr. Bare stated that his firm would provide all of the requested information from the list of comments. With regard to a question about placing fill in the floodway, Mr. Bare stated that no fill is planned for the floodway and no structures would be placed there as well. Fill will only be placed in the flood plain where structures are to be located. Mr. Bare further stated that the existing grade on the plan and profile sheet as shown does not elevate the street above natural ground. The floodway and flood plain lines shown on the plans do reflect the LOMR dated April 22, 1999. The right of way will be shown on the record plat in the final submission and the drainage and utility easements will be separated into their own respective easements.

Mr. Krennerich asked how the requirement to build structures at least one foot above the base flood elevation would be passed on to the developers.

Teddy Hooton, City Engineer, stated that an elevation certificate would be required prior to issuance of a building permit.

Questions were also raised about the length of the cul-de-sac and the potential number of multi-family housing units and only one way in. It was also stated that parking on the street is a problem now on Glenn Place. The homes there have parking in the rear by way of alleys but many park on the street. Commissioners asked if there was the possibility of connecting Glenn Place to Planters Drive. Mr. Bare responded that they owned no property connecting to Planters Drive, which is a private street, and to do so would require a bridge across the large ditch on that side. Higginbottom Creek is located on the north boundary and access there would require a bridge. Approximately 1/3 of the property is undevelopable due to the floodway which will limit the number of units that can be built there. Commissioners asked about the possibility of taking a street out to the northwest by Lot 6. Mr. Bare responded that the property to the northwest was mostly in the floodway and building a street through there would not allow anything to be built there.

Ms. Moore made a motion to grant preliminary approval of the subdivision with the following stipulations:

1. The project engineer shall be responsible for inspecting and certifying that the subdivision is built to plans and specs
2. Show the flows in all pipes and inlets on the final plans
3. Provide preconstruction & post construction surface water flows
4. Place the base flood elevations on the record plat
5. Add the existing grades to the profile sheets
6. Show Corps easements for Higginbottom Creek on record plat
7. Separate all drainage and utility easements into each respective easement
8. Show right of way dimensions on the street
9. Increase utility easement adjacent to the right of way to 7.5' for both sides of a 60' right of way, 10' on both sides of a 50' right of way

The motion was seconded by Mr. Vance. Prior to completing the vote on this item, Terry Bare withdrew the item.

WITHDRAWN.

#6 PP04-4 Bob Harrison and Todd Wilcox requested preliminary approval of Southbend, a residential subdivision containing 62 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.

Chairman Beadles read a list of comments compiled by the City Engineer, City Planning staff and the utility companies to the Commission and those in attendance and asked the Project Engineer, Clarence McAlister, what their response to these would be. The comments were provided to the project engineer in advance.

Clarence McAlister, Project Engineer, stated they had received the staff and engineering comments and were in agreement with them. One of the biggest issues here is drainage and Mr. McAlister stated that there should not be much increase downstream since this land was in cultivation.

Claude Martin, City Engineer, said there were concerns about downstream properties due to flooding in the past. Information is needed showing the flows in all pipes and inlets, and the preconstruction and post construction flow calculations. Retention will probably need to be considered. The adequacy of the drop inlets at station 8+50 on Timber Creek need to be looked at and it appears that additional inlets are needed in other locations. Street plans and profiles need to conform to minimum city standards and city details should be used.

A motion by Mr. Day and second by Mr. Damron to table the item was withdrawn at the request of the owners who asked to withdraw the item completely.

WITHDRAWN.

#7 PP04-5 Danny Wallis and Randy Simpkins requested preliminary 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.

It was noted that these plans had been reviewed in January but were not presented to the MAPC. All staff and engineering comments from that review are addressed in this set of plans and there were no additional comments.

A motion to grant preliminary approval was made by Mr. Harpole and seconded by Mr. Johnson. Voting was 8 in favor, 0 opposed. Those voting aye were Harpole, Krennerich, Moore, Damron, Johnson, Vance, Day, Gott. MOTION CARRIED, REQUEST APPROVED.

#8 PP04-1 H.A.M.L. Investments, Inc. requested preliminary approval of plans for 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.

A resident from the area stated that there is a tremendous traffic problem in Medallion Acres and Harrisburg Road. Something needs to be done to ease the congestion especially during peak periods and road to the north across Higginbottom Creek would go along way to help.

Chairman Beadles read a list of comments compiled by the City Engineer, City Planning staff and the utility companies to the Commission and those in attendance and asked the Project Surveyor, Teddy Bare, what their response to these would be. The comments were provided to the project surveyor in advance.

Mr. Vance posed the question if there wasn't some way to put in a cul-de-sac or a turn around so that the commercial traffic that needs to get out of the area doesn't have to go through the residential. He also noted that there was probably going to be some more residential development on the west side of the development and the trucks would need a place to turn around. Adding a cul-de-sac or a turnaround toward the west end of Latourette Drive or a roundabout somewhere along the street were mentioned as possible alternatives.

The developer and/or his engineer was requested to come up a possible location and design at or near where they anticipate the change to residential development. Access to lands on the north and south sides of the property were also discussed. Higginbottom Creek is on the north boundary and the southern boundary for the most part adjoins a cemetery.

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

1. The project engineer shall be responsible for inspecting and certifying that the subdivision is built to plans and specs
2. Show the flows in all pipes and inlets on the final plans
3. Provide preconstruction & post construction surface water flows
4. Eliminate the rollover curb in a commercial subdivision
5. Providing the geotechnical study for the commercial streets to determine the base thickness and asphalt thickness
6. Provide information on the island in the street, will it be irrigated
7. The developer and/or his engineer are requested to come up a possible location and design of a turnaround at or near where they anticipate the change to residential development
8. Provide the typical section on the ditch on southeast side of property
9. Granting a 15' drainage easement on the 48" pipe from 11+50 to the south
10. Eliminate the speed bumps
11. Providing the typical section across island at approximately 23+75

12. Show the Corps easements for Higginbottom Creek on the record plat
13. Make sure there are not any conflicts with utilities and drainage
14. Granting a 10' utility easement adjacent to the street right of way of Caraway Road and Latourette Lane and Latourette Drive
15. Granting a 10' easement adjacent to the access and drainage easement on the south side of the property
16. Providing cross access easements for the 3 adjoining lots facing Caraway Road for shared driveways. Show easements on record plat.
17. Address the issue of paving the unimproved portion of Medallion Circle
18. Increasing the right of way on Caraway Road, which is a minor arterial, to 80' total, 40' from centerline
19. Look at increasing the lot depth on the three smaller lots facing Caraway Road

The motion was seconded by Mr. Johnson. Voting was 7 in favor 1 opposed. Those voting aye were Vance, Johnson, Day, Gott, Harpole, Moore, Krennerich. Those voting no were Damron. MOTION CARRIED, REQUEST APPROVED WITH SPIPULATIONS.

#9 PP04-8 Jimmy Coleman requested preliminary 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.

Chairman Beadles read a list of comments compiled by the City Engineer, City Planning staff and the utility companies to the Commission and those in attendance and asked the Project Engineer, Clarence McAlister, what their response to these would be. The comments were provided to the project engineer in advance. Teddy Hooton, City Engineer, stated that the reason for not requiring curb and gutter on Lawrence Drive and on Mays Road is because the roads are so flat. If curb and gutter is installed, you would have to rebuild the road and create the high and low places and too there will never be curb on the other side of the road which is already developed. Curbing would cause water to stand in the yards as well.

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

1. The project engineer shall be responsible for inspecting and certifying that the subdivision is built to plans and specs
2. Show the flows in all pipes and inlets on the final plans
3. Provide preconstruction & post construction surface water flows. Look at joint detention with Coleman's Mays Road Addition
4. Extend Hail Drive to connect to the subdivision to East
5. Provide an overall map of the area showing the adjacent or nearby developments
6. In lieu of curb and gutter the developer will provide 24' of pavement with 4' shoulders and open ditches.
7. Show existing pavement widths.
8. Submit subdivision data in digital format
9. Correct specification sheets to reflect the required minimum standards

The motion was seconded by Mr. Johnson. Voting was 8 in favor, 0 opposed. Those voting aye were Gott, Johnson, Vance, Moore, Krennerich, Damron, Harpole, Day. MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.

#10 PP04-9 Jimmy Coleman requested preliminary 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.

Chairman Beadles read a list of comments compiled by the City Engineer, City Planning staff and the utility companies to the Commission and those in attendance and asked the Project Engineer, Clarence McAlister, what their response to these would be. The comments were provided to the project engineer in advance.

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

1. The project engineer shall be responsible for inspecting and certifying that the subdivision is built to plans and specs
2. Show the flows in all pipes and inlets on the final plans
3. Provide preconstruction & post construction surface water flows. Look at joint detention with Coleman's Mays Road Addition
4. Need to provide a connection for either Charles Drive or Mabry Lane to the subdivision to east or the developer is to come up with a plan to connect to the east
5. Provide an overall map of the area showing the adjacent or nearby developments
6. Show all rights of way clearly, especially where it crosses the lots at the north end. The property lines will need to be redrawn so that the lot lines do not cross the street right of way.
7. Come up some way to require the builders to elevate the floor levels of the homes so they are not flat on the ground and subject to flooding

The motion was seconded by Mr. Vance. Voting was 8 in favor, 0 opposed. Those voting aye were Krennerich, Day, Vance, Johnson, Moore, Gott, Damron, Harpole. **MOTION CARRIED, REQUEST APPROVED WITH STIPULATIONS.**

Mr. Vance requested that we seek the City Attorney's opinion on whether or not the MAPC can legally grant preliminary and final approval at the same meeting for the subdivision plans that were withdrawn tonight if the developers and their engineer have completely addressed all the issues raised tonight by the Engineering and Planning Departments.