



Legislation Text

File #: MIN-92:1643, **Version:** 1

METROPOLITAN AREA PLANNING COMMISSION

DECEMBER 8, 1992

MEMBERS PRESENT: Coleman, Patteson, Finley, Damron, Little, Baker, McCracken

MEMBERS ABSENT: Blalock

The minutes of the November 10, 1992 meeting were approved as prepared.

#1 SU92-11 Morris Hannah requested approval of placement of a mobile home on E. Matthews Avenue, east of Strawfloor Drive.

Noting that the mobile home procedures had been met and everything appeared to be in order, Mr. Patteson made a motion to approve the request. The motion was seconded by Mr. Baker. There was no opposition present concerning this request. Voting was 6 in favor, 0 opposed. REQUEST APPROVED.

#2 RZ92-32 Norman Ellis requested approval of rezoning from R-1 to C-3 for 5.534 acres located in part of the NW ¼ of Section 10, T13N, and R3E. The property is located on the south side of Southwest Drive, ½ mile west of Maple Valley Drive.

It was noted that the property fronts on property designated as a major highway would require additional right-of-way. The owner stated that he had no problem with the additional right-of-way which he thought was already in existence anyway. Much of the surrounding zoning is undeveloped and zoned R-1 with the exception of a parcel zoned AG-1 where an agricultural flying service is located.

When asked what the reason for rezoning was, the petitioners stated they were looking to sell part of this tract for a commercial use and occupy a portion of it for their own commercial garage. Mr. Ellison stated they might be looking at a flea market or a landscape and nursery business, or possibly a freight company, etc...

It was further stated that they wanted the land zoned for commercial activity so it would be appropriate when a buyer or tenant should be found. After reading the AG-1 Ordinance, it was found that most of the desired uses could be accommodated in AG-1 zoning. The bulk of the property the Ellison's own is beyond the city limits. Only the first 300' is in the city limits.

Mr. Patteson made a motion to recommend a zoning change from R-1 to AG-1 instead of C-3 with the following stipulations:

1. 20' additional right-of-way for a total of 60' from centerline.
2. Correct the acreage on the plat to reflect the proper acreage.
3. Dedication of a 20' drainage easement from the ditch bank.

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

#3 RZ92-33 Vance Cook requested approval of rezoning from R-1 to I-2 for 1.10 acres located on the west side of Commerce Drive, north of C.W. Post Road.

Mr. Cook owns a trucking company and has shipping contracts with several of the manufacturers in the Industrial Park. It is his desire to relocate his existing business from its present location to this site which is zoned R-1 across from the Industrial Park.

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

#4 MP92-53 Vance Cook requested approval of a minor plat containing 1.10 acres. The property is located on the west side of Commerce Drive, north of C.W. Post Road.

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

#5 SP92-21 Vance Cook requested approval of site plans for a new building to be considered containing 2,592 sq. ft. for a trucking company. The property is located on C.W. Post Road.

Mr. Cook currently operates his trucking business from a site on Johnson Avenue and desires to locate his business on land he is purchasing on Commerce Drive adjacent to the Industrial Park. It was noted that in Mr. Cook's present operation there is quite a bit of outside storage of used parts, motors, fenders, materials and other things that are unsightly. Mr. Cook's building will also be used as a repair station for his equipment only; there will be no solicited repair business from the public.

The plans as submitted, includes paving for only the drives in front of the proposed building.

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

1. The parking space sizes being corrected to show they contain a minimum of 180 square feet and subject to
2. Any outside storage of materials being fenced with a 6' wooden privacy fence.
3. The amount of paving on the site being increased to the drives and vehicle parking spaces being paved
4. Based on the City Engineer's recommendation, no revisions will be required in regard to the open ditch other than what is shown on the site plan particularly noting that this is a State maintained road and there are other drainage considerations in the area.

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

#6 RZ92-34 Kent Arnold requested approval of rezoning from R-1 to C-3 for 12.75 acres and R-1 to R-3 for 16.11 acres located on the east side of Stadium Blvd., north of Colony Drive.

It was noted that a development plan had not been submitted with the rezoning request. When asked what his development plan was, Mr. Arnold stated that it was his plan to put commercial buildings along the frontage and put some form of affordable housing in the rear. It was stated that it was unusual for a large tract of ground to be rezoned to different zonings with no particular development plans being submitted. The question was then posed, should the Planning Commission be rezoning 29 acre tracts of land with no particular development project contemplated, nor submitted and with only a statement of what may occur. Mr. Arnold stated that he

originally started to submit a plan but then decided to hold up until his plans were more definite. It was noted that this is not a plat, nor a subdivision, and that both would be required prior to development. Mr. Arnold stated that he felt there was a need in Jonesboro to build some commercial buildings, 3,000 to 5,000 sq. ft., with some kind of master plan in mind and this would be an ideal location.

It was once again noted that a comprehensive plan is desperately needed for the City of Jonesboro that would be identify zoning classifications for all areas of the city.

A motion to approve the request was made by Mr. Baker and seconded by Mr. Little. Voting was 5 in favor, 1 opposed. REQUEST APPROVED.

#7 RZ92-35 Doug Barker and Terrell Watkins requested approval of rezoning from R-1 to I-1 for 4.48 acres located on the south side of Colony Drive, east of Stadium Drive.

Mr. Baker and Mr. Watkins stated that they were desirous to bring their nonconforming uses into compliance but had no immediate plans for any additions or new construction. The property is currently the site of Baker Brothers Asphalt Jonesboro Truck Equipment Company. The property is bordered on the east side by the Union Pacific Railroad. Both businesses have been in their present locations for many years.

It was noted that if and when any additions or new buildings are built the property would have to be platted. This platting would address street right-of-ways and improvements and other things normally seen on a site plan.

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

#8 RZ92-36 Tommy Davis requested approval of rezoning from R-1 to R-3 for Lots 7, 10 and 12 of the replat of part of J.A. Lamberth Subdivision. The property is located on the east and west side of Scott Street, north of Greensboro Road.

It was noted that this section of street is developed with some single family homes, but mostly with duplexes and a couple of triplexes and these uses would be typically seen in R-2 zoning. Scott Street at this location is a gravel street with several feet of it unimproved. When asked by the Commission if an R-2 designation would meet his needs, Mr. Davis responds that it would. Mr. Davis currently owns other multifamily dwellings in this area that were rezoned and built in the last two years.

Mr. Patteson made a motion to recommend a zoning change to R-2 instead of R-3 and with the stipulation that the property owner enter into a street improvement agreement for Scott Street. The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED FOR R-2 WITH STIPUATIONS.

#9 RZ92-37 Jerry Craft requested approval of rezoning from R-1 to C-5 for the north 200' of the Highland Forest Subdivision. The property is located on the south side of Highland Drive, west of McArthur Park

Clay Kenward stated that the owners felt they had a much subdivision with commercial development along Highland Drive to buffer the residential use form the five lane road. There would also be a wooden and/or brick privacy fence separating the residential form the commercial. He said that from a marketing standpoint several potential buyers had stated they did not want a house fronting on Highland Drive which is being improved to a five land street and therefore it should not be developed as residential. It was stated that the development would

be of a high-type nature, something that would be appropriate in the “Quiet” zoning district and would complement the whole subdivision. The C-5 zoning is very specific about what the permitted uses are. General retail is not permitted in this zoning district.

The Commissioners asked what impact paved parking would have on the drainage situation. It was noted that when you replace grass and earth with roofs and parking lots that the water runoff is increased. Mr. Kenward stated that adequate provisions would be made under the roadway to handle the surface drainage. As a commercial development the drainage situation would be addressed more extensively than with residential. Commercial development would necessitate building up the land fronting Highland and more than likely enclosing the ditch with pipe. As residential the frontage on Highland Drive would only be the back yards of houses that would face interior streets.

Petitions containing approximately 130 signatures of persons opposed to the zoning change was presented to the Commission, as well as letters from adjoining landowners in support of the zoning change were submitted by Mr. Craft.

Hardy Little stated if this zoning change is approved that the Commission would be saying as planners that we will be setting the precedent extending commercial zoning along the stretch of Highland all the way from Browns Lane to Southwest Drive, at least for the street frontage.

It was further stated that one of the problems in Jonesboro now is the fact that our commercial developments have utilized frontage only and therefore there is little or no controlled access to an arterial or any other street.

Several points were expressed to the Commission by those opposed to the request. Those concerns were related to a variety of things including the fact that the City of Jonesboro does not have a comprehensive plan and the only protection for their neighborhoods is zoning. Another concern was the precedent setting nature of the request whereby future adjoining lands would also be seeking commercial zoning. The opposition also expressed they feared that even though the present request is for a C-5 designation, the way would be opened for less restrictive commercial. Another concern was what happens if the lots in the subdivision adjoining the commercial property do not sell do we then consider taking the commercial zoning into the residential subdivision. Increased traffic, particularly relating to the safety of children at the neighboring schools in the area, and additional drives with the required turning movements was also a major concern. It was noted that with such a shallow commercial development there could be possibly a drive every 60-75 feet even further inhibiting traffic flow. Some contended that this would be spot zoning because it did not adjoin any commercially zoned property at any point and was totally surrounded by R-1 zoning.

Also presented to the Commission was an Attitude Study of the Residents of MacArthur Park relating to a five lane Highland Drive prepared by Dr. Charles W. Ford. It was noted that many of the references in Dr. Ford’s study were taken from a study conducted by Harland Bartholomew & Associates in the early 1970’s. It was further noted that the Bartholomew Study was rejected by the City Council. A copy of Dr. Ford’s report is attached to the permanent record.

Mr. Craft stated that the strict architectural controls specified in the Bill of Assurance for the residential part of the subdivision would be required to meet the five or so houses of design as specified in the Assurance.

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

1. The petitioners proceed with the abandonment of the streets that would be eliminated with the zoning change.

2. Revised subdivision plans.
3. That the commercial buildings would maintain a residential character.
4. The drainage impact created by this revised plan be studied and its affect made known, this would include readdressing the adjoining property owner on the east.
5. Site plans are presented to the Planning Commission prior to development that would address ingress & egress, parking, signage, lighting, drainage, etc...

The motion was seconded by Mr. Damron. The original vote was 4 votes in favor, 2 opposed. Zoning issues require a majority to the appointed members voting aye for approval. Acting Chairman Coleman voted aye making the total vote count 5 in favor, 2 opposed. REQUEST APPROVED WITH STIPULATIONS.

#10 RZ92-38 Dewayne Sharp requested approval of rezoning form R-1 to C-3 for 1.21 acres located on the southwest corner of Dan Avenue and Royale Drive.

It was noted that this site has been used for various commercial uses for many years. The structure on the corner lot has burned in the last couple of months. Mr. Sharp desires to be able to reuse this property for commercial as well as utilize the additional property that he owns on the south side.

1. The plat being clarified to show at least 30' of right-of-way from centerline on Royale Drive.
2. Curb be placed along this section of street where it's nonexistent.
3. Subject to removal of the two concrete foundation structures shown in the right-of-way.
4. The plat reflecting an acknowledgement that the existing fence and canopy encroaches into the right-of-way and is agreeable by the owner to remove it if ever asked to by the City.

A further part of this motion was the statement that no suggestion is being made for piping in the ditch on Dan Avenue, which is a state maintained highway, and it is the recommendation of the City Engineer that ditch remain as currently exists. The motion was seconded by Mr. Baker. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#11 MP92-57 Dewayne Sharp requested approval of a two lot minor plat containing 1.21 acres. The property is located on the southwest corner of Dan Avenue and Royale Drive.

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

1. The plat being clarified to show at least 30' of right-of-way from centerline on Royale Drive.
2. Curb be placed along this section of street where it's non-existent.
3. Subject to removal of the two concrete foundation structures shown in the right-of-way.
4. The plat reflecting an acknowledgement that the existing fence and canopy encroaches into the right-of-way and it agreeable by the owner to remove it if ever asked to by the City.

A further part of this motion was the statement that no suggestion is being made for piping the ditch on Dan Avenue, which is a state maintained highway, and it is the recommendation of the City Engineer that the Ditch remain as it currently exists. The motion was seconded by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#12 RZ92-39 Reality Associates, Inc. and Phillips Investments, Inc., requested approval of rezoning from R-1 to C-3 for part of the NW ¼ of Section 28, T14N and R4E. The property is located on the south side of Highland Drive, east of Stone Street.

It was noted that the magnitude of this development would require that site plans be submitted to the Commission prior to development of the land.

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

#13 RP92-39 Realty Associated, Inc., and Phillips Investments, Inc., requested approval of a replat on Lots 2 & 3 of Fair Park Addition. The property is located on the south side of Highland Drive, east of Stone Street.

This replat takes a part of the lot now occupied by Western Sizzling and combines it with previously un-platted land. When asked how the required parking for Western Sizzlin would be affected by the removal of the land from their lot, Dan Mulhollen stated that this portion of the lot was not a part of their required parking.

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

#14 RZ92-31 A.J. Baltz requested approval of rezoning from R-1 to C-3 for 2.66 acres located on the northeast corner on the northeast corner of Darr Hill Road and Johnwood Drive.

This request is being made to bring the existing commercial use into compliance. The property has been the site of a tractor and implement company for many years and is presently zoned R-1 by virtue of annexation.

A motion to approve the rezoning request was made by Ms. Finley and seconded by Mr. Little. Voting was 6 in favor, 0 opposed.

#15 RP92-35 A. J. Baltz requested approved of Lots 1 & 2, a replat of all of Lots 1, 2 and 16 a part of Lot 3 of Block A of Bentons Subdivision, Extended and all of Lots 1 & 2 of Block B of Bentons Subdivision, Extended. The property is located on northeast corner of Southwest Drive (HWY. 49) and Darr Hill Road and on the northeast corner of Darr Hill Road and Johnwood Drive.

There are a couple of existing buildings on their site, with some crossing of property lines by the structures and some encroachment into the street right-of-way

As discussed with their engineer there had been mention of a desire to place a new building on an existing slab that encroaches into the existing right-of-way on Johnwood Drive. The replat as drawn corrects the crossing of the property lines and does remove existing structures form the right-of-way by means of shifting the right-of-way further north. City Council action is required for the abandonment of right-of-way. Any action taken will depend upon the abandonment of the right-of-way by the Council. As drawn, the new right-of-way dedication at the intersection of Johnwood Drive and Darr Hill Road does not meet minimum code requirements as far as the angle of the intersection.

Mr. Mulhollen stated that the request is actually to move the right-of-way without moving the street. It has been the indication earlier that the street would be relocated with the relocation of the right-of-way.

It was noted that Darr Hill Rod and Johnwood Drive are gravel streets presently and that there have been some public meetings concerning the formation of an improvement district for Darr Hill Road.

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

1. The street eight being in its entirety squared off or that a part of Lot 2 along Johnwood Drive be utilized square off to Darr Hill Road allowing for an 80' right-of-way at the intersection of Darr Hill road with the discretion of the City Engineer as to which is more appropriate at the time of improvement. New plats would have to be submitted when this occurs.
2. If a street improvement district is formed for Darr Hill Road that this property owner would agree to join in that effort.
3. The property entering into a street improvement agreement for Johnwood drive.

The motion was seconded by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATION.

#16 SP92-22 A.J. Baltz requested approval of site plans for and additional building to be constructed on Lot 1 of Baltz Replat. The property is located on northeast corner of Southwest Drive (HWY.49) and Darr Hill Road.

It was noted that was actually just an as is drawing and is not a proposed site plan. It was further stated that it was submitted for information purposes only.

Mr. McCracken made a motion to table the request on the basis that nothing is actually requested on the site plan and with the stipulation that any further development or structures on the property would require site plans to be submitted. The motion was seconded by Mr. Patteson. Voting was 6 in favor, 0 opposed. REQUEST TABLED WITH STIPULATIONS.

#17 MP92-54 William D. Sykes requested approval of a minor plat containing 2.837 acres. The property is located at the south end of Coop Drive, west of Joe N. Martin Expressway.

It was stated by Dan Mulhollen that the owners desired to construct a building on an existing slab. It was further noted that the existing slab may not have sufficient foundation for a structure to be places on it. Engineer certification would be required on the foundation. It was noted that a fence now exists in the street right-of-way on Co-op Drive.

Mr. McCracken made a motion to approve the request with the stipulation that an acknowledgement be placed on the plat acknowledging the existing fence encroachment into the street right-of-way and that the owner agrees to remove the fence when required by the City, at the owner's expense. The motion was seconded by Mr. Patteson. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#18 SP92-23 William D. Sykes requested approval of site plans for a second building to be built on Lot 1 of Sykes Commercial Addition. The property is located at the south end of Coop Drive, west of Joe N. Martin Expressway.

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

#19 RZ92-40 Mike Fisher requested approval of rezoning form R-1 to R-3 for 2.28 acres located between Melrose Street and State Street, sought of Cedar Heights Drive.

It was noted that the total area surrounding this tract is developed with dense, multifamily dwellings, more commonly known as apartment city. Some questions were raised as to what right-of-way is being shown. Some

records indicate 75' total right-of-way on Melrose Street.

Mr. McCracken made a motion to approve the request with the stipulation that the right-of-way be clarified on both streets and shown not less than 30' from centerline on both. The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#20 MP 92-56 Mike Fisher requested approval of a two lot minor plat containing 2.28 acres. The property is located between State Street and Melrose Street, south of Cedar Heights Drive.

Mr. Fisher stated that he will be presenting his site plan next month for 48 one bedroom apartment units (22' X 24'). That site plan will address drainage, street improvements and other things typically seen on a site plan.

Mr. McCracken made a motion to approve the request with the stipulation that the right-of-way be clarified on both streets and shown not less than 30' from centerline on both. The motion was seconded by Mr. Damron. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#21 RP92-40 Bob Haun and others requests approval of revised plans for Tower Park Addition 1st Phase. The property is located south of Paula Drive, west of Michael Lane.

Dan Mulhollen stated that proposed sewer routes had been altered, easements lessened and other easements granted. There were also drainage structures that have been relocated and easements are to be dedicated for them. City Water & Light requested that their easement be specifically noted as a 20' sanitary sewer easement.

Mr. McCracken made a motion to approve the request subject to drainage easements being dedicated on the plat between Lots 5 & 6, between Lots 13 & 14 and a notation added to the plat that the easement between Lots 2 & 3 is a sanitary sewer easement. The motion was seconded by Mr. Little. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#22 SP92-26 First Bank of Arkansas requested approval of site plans for new construction of a bank containing 24,000 sq. ft., located on the NW corner of Highland Dr. and Stone Street.

Street widths on King Street and Stone Street was discussed as to how wide they actually should have been. King Street is a four lane street narrowing at this lot and widens further north. The City Engineer said he had no problem with the road being 30' wide.

Mr. Patteson made a motion to approve the request with the stipulations that the curb be moved to the west far enough so that this half of the street will be at least 15' from centerline. The motion was seconded by Mr. Little. Voting was 4 in favor, 2 abstaining. REQUEST APPROVED WITH STIPULATIONS.

#23 MP92-60 Bob Miller requested approval of a minor plat located on the south side of Woodsprings Road, west of Friendly Hope Road.

It was noted that his property adjoins some property for which several minor plats have been approved. Mr. Miller's property was purchased for Mr. McDaniel recently but was agreed to be bought several years ago. Mr. Miller currently lives in the house on the west side of this property. The plat was drawn indicates two lots.

A motion to approve the request was made by Mr. Little subject to the plat being corrected to show one 1.74 acre lot. The motion was seconded by Ms. Finley. Voting was 6 in favor, 0 opposed. REQUEST APPROVED

WITH STIPULATIONS.