



## Legislation Text

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### MAPC MINUTES

NOVEMBER 14, 1989

MEMBERS PRESENT: Sloan, Vance, Blalock, Patteson, McCracken, Coleman, Aycock, Lamberth

MEMBERS ABSENT: Smock

The minutes of the October 10, 1989, meeting were approved as prepared.

Item #1 A public hearing was held to receive suggestions, comments, etc. on a proposed ordinance that would amend Chapter 14 of the City Zoning Ordinances. This amendment pertains to nonconforming uses, involving the change of use, extensions of use, defining of uses, and providing procedures for allowing changes and extensions.

The major topics of discussion were:

1. Expansion onto lots that are separate to the existing buildings of a nonconforming use.
2. Publishing the requests for change/expansion
3. Extending the notification deadline from 10 days to?
4. Limit the amount of expansion, possibly to a certain percentage.
5. When and under what circumstances will compliance be required?

Item #2 RZ89-32 Kevin Hoke requested a rezoning from AG-1 to C-3 for a part of the NW ¼, NW ¼, Section 29, T14N and R5E, containing 40 acres, more or less. The property is located at the southwest corner of Hwy. 18 East and Cottage Home Road, to Little Bay Ditch.

A motion to approve this request was made by Mr. Vance subject to the rights-of way being shown on Hwy. 18 and Cottage Home Road and that an agreement be prepared and signed by the owner stating that they agree to pay their share for street improvements on Cottage Home Road at such time as it is improved by the City, with the improvements including widening and curb and gutter. The motion was seconded by Mr. Lamberth. Voting was 6 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #3 RZ89-35 Farmer Enterprises requested approval of rezoning from R-1 to I-2 for Tract 1 containing 25.69 acres and from R-1 to C-3 for Tract 2 containing 49.603 acres, all on a part of the NE ¼, NE ¼, and a part of the NW ¼, NE ¼, Section 35, T14N and R4E. The property is located on the south side of C.W. Post Road, west of Commerce Drive and north and south of C.W. Post Road, west of Commerce Drive and north and south of U.S. Hwy 63.

Mr. Lamberth made a motion to approve this request with the stipulations that:

1. The property owner provides acceptable right-of-way when the property is developed.
2. A subdivision plan be submitted and approved prior to the issuance of building permits.

3. A name being assigned to the unnamed cul-de-sac in agreement with the property owner and the Fire Department.

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

Item #4 RZ89-44 PCL Corporation requested rezoning from R-1 to R-3 for University trailer Park, located on a part of the NE ¼, SE ¼, Section 16, T14N, R4E, containing 10 acres, more or less. The general location of this property is south of Aggie Road, on the east and west sides of Stella Drive.

After considerable discussion by the Commission and many in attendance a motion was made by Mr. Lamberth to deny the request. The motion was seconded by Mr. Aycock. Voting was 6 in favor, 0 opposed, REQUEST DENIED.

Item #5 RZ89-45 Ron Michaels requested rezoning from R-1 to I-1 for a part of the NE ¼, SE ¼ of Section 22, T14N and R3E, containing 4.07 acres. The property is located on the south side of W. Matthews (Strawfloor Road), west of the road leading to the City Landfill.

Mr. Vance made a motion to approve this request subject to:

1. A 41' right-of-way being shown on the north side of the property.
2. A 50' right-of-way dedication on the east side of the property.
3. Reviewing the access to the houses on the west side of this property to make sure they are serviced by private drives not located on this property.
4. An agreement being prepared and signed by the owner stating that they agree to pay their share for street improvements on W. Matthews Avenue (Strawfloor Road) at such time as it is improved by the City, with the improvements including widening and curb and gutter.

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

Item #6 RZ89-46 & RP89-40 B.J. Rupard requested rezoning from I-1 to C-3 and approval of a replat for Lots 1, 2, 3, 4, 5 & 22 of Block 8 of Matthews Additions. The property is located at the southwest corner of Johnson Avenue and Fisher Street.

A motion to approve this request was made by Mr. Lamberth and seconded by Mr. Vance. It was stated at the time that if the petitioner wanted the City to maintain the existing drainage ditch on the property that an easement would have to be granted or the property owner would be responsible for its maintenance. It is the petitioner's decision to not grant this easement. Voting was 6 in favor 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #7 AZ89-3 Charles (Skip) Mooney, Sr., representing certain property owners located on a part of Section 4, T13N, R3E and on a part of Sections 33, 28, 21 and 16, T14N and R3A, requested approval of annexation and zoning of AG-1. This area covers approximately 2,020 acres and is located on the east side of Hwy. 226 Spur, north of U.S. Hwy. 49 and south of Hunters Wood Road.

Mr. Vance made a motion to approve this request acknowledging that the streets are being accepted as is and will be maintained as is the subject to a revised plat being submitted showing the rights-of-way of all existing

streets and roads to ensure that adequate right-of-way exists. Mr. Lamberth seconded the motion. Voting was 5 in favor, 0 opposed and 1 abstaining. REQUEST APPROVED WITH STIPULATIONS.

Item #8 AZ89-4 Donn Mixon, representing certain property owners located on a part of Section 9, T14N and R3E, requested approval of annexation and recommendations for zoning classifications. This area covers approximately 149.4 acres and is located on the northeast and northwest corners of Hwy. 63B and U.S. Hwy. 63.

A motion to table this request until Tuesday (11-28-89) was made by Mr. Vance and seconded by Mr. Aycock. The reason for tabling the request was to allow time for appropriate zoning to be assigned as needed and for a revised plat to be prepared showing these zonings, property ownership, and the right-of-way for all streets. Voting was 6 in favor, 0 opposed, 1 abstaining. REQUEST TABLED.

Item #9 AZ89-5 Donn Mixon, representing certain property owners located on a part of Sections 16, 17, T13N, and R4E, requested approval of annexation and recommendations for zoning classifications. This area covers approximately 248.3 acres and is located on the south and east of Ark. Hwy. 1, on both sides of Caraway Road.

A motion to table this request for further information was made by Mr. Aycock but died for lack of a second.

Mr. Vance made a motion to approve this request recommending that the entire acreage be zoned R-1 and with the following stipulations:

1. That a revised plat be submitted showing (a) property ownership, (b) names and right-of-way be addressed by the City Engineer to determine if it is adequate, (c) the city limits to include whole streets instead of half streets..
2. This approval is contingent upon the property being released by the County Court.
3. That it be understood that the streets are being taken in "as is" and will be maintained "as is".
4. That this approval is contingent upon the property being released by the County.

The motion was seconded by Mr. Coleman. Voting was 5 in favor, 3 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #10 FP89-13 Keith Meredith requested final approval of Brookfield Subdivision containing 15 lots on 12.32 acres, more or less. The property is located on the north side of Prospect Road, approximately  $\frac{3}{4}$  of a mile east of Old Paragould Highway.

Mr. Vance made a motion to approve this request subject to the 50' street, drainage and utility easement being separated to show a 41' street right-of-way from centerline and a 9' utility easement and the drainage pipes be changed to either reinforced concrete or coated, corrugated metal pipe. The motion was seconded by Mr. Sloan. Voting was 7 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #11 FP89-14 Wayne Kelso requested final approval of Murray Creek Subdivision Phase I containing 9 lots. The property is located on the east side of Old Paragould Highway, approximately  $\frac{1}{4}$  mile south of Hwy. 49.

There were many in attendance in opposition to this subdivision being developed. The primary reasons stated for opposing were small lot size and small house size compared to the neighborhood to the west. It was explained that this subdivision did meet the minimum specifications as required in the Code of Ordinances. Mr.

Kelso did state that he would change his bill assurance to reflect the minimum size house as being 1,000 sq. ft.

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

1. That the street construction comply with the Code requirements and be approved by the City Engineer.
2. That the "20' W. Dedication Strip" be changed to "20' additional right-of-way for a total of 50' from centerline.
3. That the technical question concerning concrete or asphalt driveways be cleared up.

The motion was seconded by Mr. Lamberth. Voting was 7 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #12 MP89-14 Mr. & Mrs. William F. Baker requested approval of a one (1) lot minor plat containing .95 acre, more or less. The property is located on the south side of Fox Meadow Lane, east of Caraway Road.

A motion to approve this request was made by Mr. Coleman subject to additional right-of way being granted on Fox Meadow Lane for a total of 41' from centerline and that an agreement be prepared and signed by the owner stating that they agree to pay their share for street improvements on Fox Meadow Lane at such time as it is improved by the City, with the improvements including widening and curb and gutter. The motion was seconded by Mr. Vance. Voting was 6 in favor, 0 opposed.

Item #13 MP89-15 RGB Mechanical, Ralph Brasher, requested approval of a one (1) lot minor plat containing 8.75 acres, more or less and located on the south side of Hwy. 49, east of Airport Road.

A motion to approve this request was made by Mr. Vance and seconded by Mr. Lamberth. Voting was 7 in favor, 0 opposed. REQUEST APPROVED.

Item #14 MP89-17 Parker Brothers requested approval of a one (1) lot minor plat containing .629 acre, more or less. The property is located on the southwest corner of E. Matthews Avenue and Caraway Road.

Mr. Vance made a motion to approve this request subject to:

- A. A 19' utility easement being granted on Caraway Road and
- B. That the site plan be reviewed with the City Engineer, City Planner and the Safety Officer of the Police Department. If these departments are not satisfied with the site plan, then a site plan would have to be submitted to the MAPC for approval prior to a building permit being issued. The motion was seconded by Mr. Coleman. Voting was 7 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #15 MP89-18 Keith Sanders requested approval of a one (1) lot minor plat containing 2.5 acres, more or less. The property is located on the south side of Peach Tree Lane, east of Pleasant Grove Road.

A motion to approve was made by Mr. Coleman subjects to an agreement being prepared and signed by the owner stating that they agree to pay their share for street improvements on Peach Tree Lane at such time as it is improved by the City, with the improvements including widening and curb and gutter. The motion was seconded by Mr. Pattenon. Voting was 7 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #16 RP89-36 Huntington Avenue Methodist Church requested approval of a replat of Lots 1 & 4, and part of Lots 2, 5 & 6, Block N of Nisbett's 1<sup>st</sup> Addition into Lot 1. The property is located on the south side of

Huntington Avenue, east of Walnut Street.

A motion to approve this request was made by Mr. Vance and seconded by Mr. Aycock, with the statement that the Commission believes that Vine and Walnut Streets are developed to the maximum that they will ever be. Voting was 7 in favor, 0 opposed. REQUEST APPROVED.

Item #17 RP89-37 Ernest Schroeder requested approval of a replat of Lot 16 of a replat of Lots 5 & 6 of Schroeder's Subdivision into Lots 16 and 16A. The property is located on the south side of Hwy. 226, west of Hidden Hill Circle.

Mr. Lamberth made a motion to approve this request subject to the right-of-way being dedicated and shown as 41' from centerline on Hwy. 226 and the building setbacks be changed from 25' to 30' to comply with existing ordinances. The motion was seconded by Mr. Vance. Voting was 7 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

Item #18 RP89-38 Bill Grimes requested approval of a replat of Lot 8 and the west 70' of Lot 9, Block C of E. Nettleton Avenue 2<sup>nd</sup> Addition into Lot 1. The property is located on the east side of Falls Street, north of Whitman Street.

A motion to approve was made by Mr. Vance subject to:

1. An agreement being prepared and signed by the owner stating that they agree to pay their share for street improvements on Whitman Avenue and Falls Street at such time as they are improved by the City, with the improvements including widening and curb and gutter.
2. The culvert being reinforced concrete or coated, corrugated metal pipe with the size to be approved by the City Engineer.

The motion was seconded by Mr. Coleman. Voting was 6 in favor, 0 opposed and 1 abstaining. REQUEST APPROVED WITH STIPULATIONS.

Item #19 RP89-39 Pardew Realty requested approval of a replat of Lots 1, 2 & 3, Block B, Pardew's North Subdivision, 2<sup>nd</sup> Addition. The property is located on the east side of Patrick Street, south of Peggy Drive.

A motion to approve this request was made by Mr. Vance and seconded by Mr. Lamberth subject to:

1. An agreement being prepared and signed by the owner stating that they agree to pay their share for street improvements on Mitzi Lane and Peggy Drive at such time as it is improved by the City, with the improvements including widening and curb and gutter.
2. The plat name being changed.

Voting was 7 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

The meeting was adjourned at 11:10 p.m.