



Legislation Text

File #: MIN-93:1650, **Version:** 1

METROPOLITAN AREA PLANNING COMMISSION

JULY 13, 1993

MEMBERS PRESENT: Little, McCracken, Baker, Damron, Alston, Shaw

MEMBERS ABSENT: Finley, Coleman

The minutes of the 06-08-93 meeting were approved as prepared.

#1 RZ93-27 Dick Rowland requested approval of rezoning from R-1 to I-1 for 2.41 acres located on the north side of W. Washington Avenue, west of Jeramy Drive.

A request for C-4 zoning on this property was tabled at the 6-8-93 meeting. The planned use of the property would not be allowed in C-4 zoning. It was noted that in previous years when the Commission has addressed W. Washington Avenue from Gee Street to the 63 Bypass that some action was taken to indicate that the zoning would be encouraged or permitted as commercial/industrial.

Mr. McCracken made a motion to approve the request subject to a 15' drainage easement being granted along the east line of the property. A street improvement agreement has already been entered into by Mr. Rowland. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#2 SU93-11 Donnie Russell requested approval of placement of a mobile home on the south side of Race Street, on the west side of the abandoned right-of-way for Middlefield Drive.

This location is approximately 300' south of Race Street on the west side of Middlefield Drive. It was noted that the street dedication for Middlefield Drive has been checked and is in place. The property is near the medical offices and Methodist Hospital on Apache Drive.

Signatures on petitions were sufficient to meet minimum requirements, but have been questioned by some property owners in the area who state that a number of the signatures are from renters and not property owners. There was opposition to this placement expressed on behalf of the medical community by Hank Walkley, administrator of Methodist Hospital. Mr. Walkley stated that future development in the medical field could be hindered and existing development damaged if this mobile home is approved.

A question was raised as to the flood status of the property. This status would have to be verified prior to placement of any structure on the property.

There was no motion made upon second request by the Chairman, therefore the proposal dies for lack of a motion.

At the conclusion of item #15 this item was brought back to the floor for discussion by the Chairman. The

person making the request and those who spoke in opposition to the item earlier in the meeting were present when the request was brought up for further discussion. Opposition was expressed again by those in attendance. Most feared the placement of the trailer would be a hindrance to further development on surrounding lands. It was noted that lands to the south and west are zoned C-2 and on which a commercial subdivision has been approved. Medical offices have begun to develop further south of this site.

The improvements on Middlefield were noted as being very narrow, slightly graveled and insufficient for emergency vehicles as well as normal travel. Most of the maintenance on the road is provided by C W & L back to their substation.

In reference to a building that has been placed on the lot, Mr. Russell responded that the building belonged to his brother and would shortly be removed from the premises. Mr. Russell stated that he eventually wanted to build his home on the property.

Mr. Damron made a motion to approve the request subject to the owner entering into a street improvement agreement for Middlefield Drive. The motion was seconded by Mr. McCracken. Voting was 3 in favor, 2 opposed. REQUEST APPROVED WITH STIPULATION.

#3 SU93-12 Chris Swindle requested approval of placement of a mobile home on the northeast corner of Peachtree Avenue and Pleasant Grove Road.

Sufficient signatures on petitions were submitted by the owner. Questions regarding the land have been resolved and a street improvement agreement has been entered into. There were no objections to this request. Mr. Swindle's family owns the adjoining property and, currently resides there. A motion to approve the request was made by Mr. Alston and seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#4 SU93-13 Larry Tibbs requested approval of placement of a mobile home at 5919 E. Johnson Avenue.

Mr. Tibbs stated that it was his plan to place his mobile home there and later construct his residence there. He stated that he would probably do this in the next six to twelvemonths. The property number of signatures was submitted on petitions by Mr. Tibbs. There was no opposition expressed to the request.

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

#5 RZ93-32 Bobby McDaniel requested approval of rezoning from R-1 to C-3 for 1.90 acres located on the south side of Dan Avenue, east of Myette Street.

It was noted that several properties along 63B have been changed to commercial zoning. This property is the site of Ramsons Construction which has been on the property for a number of years. It was noted that the zoning for existing use should probably be I-1, though the request is for C-3. The property would actually be changed from one nonconforming use to another nonconforming use. It was stated that a street improvement agreement is needed for Myette Street on the west side of the property.

Mr. McCracken made a motion to approve subject to the owners entering into a street improvement agreement for Myette Street. The motion was seconded by Mr. Alston. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#6 MP93-40 Bobby McDaniel requested approval of a minor plat containing one lot on 1.90 acres. The property is located on the south side of Dan Avenue, east of Myette Street. Mr. McCracken made a motion to approve subject to the owners entering into a street improvement agreement for Myette Street. The motion was seconded by Mr. Alston. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#7 RZ93-33 Steve Chaplain requested approval of rezoning from R-2 to I-1 for Lot 10 of Gregg and Houghton's Subdivision of Block 3 of Nisbett's 2nd Addition. The property is located on the south side of Burke Avenue, east of Nisbett Street.

It was noted that the property on the north side of Burke is currently zoned I-1, and the corner lot was changed recently to I-1 zoning.

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

#8 RP93-28 Bob Clairday, Pizza Inn, requested approval of a replat of Lots 2 & 3 of part of Patsy Tricarico Plaza Estates. The property is located on the north side of Johnson Avenue, west of Russell Drive.

Mr. Baker made a motion to approve the request subject to a 10' utility easement being granted on the east side of the property. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#9 SP93-23 Bob Clairday, Pizza Inn, requested approval of site plans for a new restaurant to be located on Lot 2 of the second replat of Patsy Tricarico Plaza Estates. The property is located on the north side of Johnson Avenue, west of Russell Drive.

There was some discussion about the need for a left turn land at one exit from the site. It was stated by the owner's representative that they may desire to have one drive designated as one way in and the other one way out. The traffic is designed to move around the building presently. There was also discussion about the placement of curbing along Johnson Avenue.

Mr. Alston made a motion to approve the request subject giving the owners the option to either widen one of the entrances to accommodate three lanes of traffic, or designation of an entrance only and exit only. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#10 RZ93-34 Tom Reagan requested approval of rezoning from R-1 to R-2 for 1.89 acres located on the east side of Richardson Road, south of Kristal Drive.

Mr. Reagan stated that he had bought two parcels of land. On one tract he wants to develop a mobile home park and on the other tract he wants to change the zoning to R-2 to build apartments on. Mr. Regan further stated that the single family homes on the east side of his property are currently zoned R-2. That property as well as Stem's trailer court and the Curtview Subdivision were zoned R-2 when they were annexed in 1978.

There was a great deal of opposition expressed by the neighbors and other people in the area. Most stated that there are already too many apartments in the area which have caused a continuous deterioration of the neighborhood. Renters typically do not take much pride in someone else's property and generally do not

properly maintain the property. It was stated that as long as Mr. Reagan owned the property they did not fear as much that the property would be not maintained. It was noted that over time, the original owners of the existing apartment buildings in the area had split the buildings up and sold them to different owners and maintenance is an ongoing problem. Some of the neighbors stated that if the proper zoning for them was something other than R-2 that they wanted to be changed to R-1 rather than have the property adjacent to them to be zoned to what they are. It was felt that rezoning would cause a lessening of property value. Mr. Reagan stated that it was his intent to build a very nice, one bedroom, condominium type homes that he could later sell when he retires. He further stated that he was going to build his own personal home on the property, so if his actions devalued their property then he is devaluing himself.

The adjoining owners also complained of existing drainage problems that would be compounded by dense development. It was noted that all of the property was located in the flood plain and approximately 1/3 of it is in the floodway. It was questioned if dense development should be allowed to occur in the flood plain and floodway areas.

The proposal originally did not receive a motion. Mr. Reagan asked if submitting a site plan for development of the property would be helpful. The Commission asked Mr. Reagan if he had a site plan for his proposed development to which he responded that he would have in about twelve months and that it would take probably four to six years to develop the whole project.

Mr. Baker made a motion to approve the rezoning subject to a site plan being submitted prior to development on the property and subject to street improvements being considered on Allison Drive and Richardson Road when it is submitted. The motion was seconded by Mr. Damron. Voting was 2 in favor, 3 opposed. Five affirmative votes are required for a positive recommendation, therefore REQUEST DISAPPROVED.

#11 MP93-41 Tom Reagan requested approval of a minor plat containing two lots on 3.37 acres. The property is located on the east side of Richardson Road, on both the north and south sides of Kristal Drive.

Mr. Reagan is platting previously un-platted land into two lots. The plat shows half of a street dedication for the continuation of Allison Drive on the south side of the Lot 2.

Mr. Damron made a motion to approve the request subject to the owner entering into a street improvement agreement on Richardson Road and Allison Drive and granting a 15' drainage easement along the east line of Lot 2. A site plan is to be submitted prior to development on the lots. The motion was seconded by Mr. McCracken. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#12 SP93-22 Tom Reagan requested approval of site plans for a mobile home park to be located on Lot 1 of Reagan's Richardson Road Addition. The property is located on the east side of Richardson Road, north of Kristal Drive.

It was stated that new, revised plans were submitted today (07-13-93) and had not been reviewed by the City Staff for compliance with the ordinances. The plans were lacking in several areas. The owner's engineer stated the plans were conceptual in nature and complete, detailed plans would be submitted at a later time.

It was noted that there is a high concentration of mobile home parks in this area, most of which are not properly maintained and in dilapidated condition. All of the property lies in the one hundred year flood plain, and a good portion of it lies in the floodway.

There was quite a lot of opposition expressed about the proposed park. The extreme poor conditions of the other trailer parks in the area and property devaluation were the main points of opposition. There are several trailer parks in the surrounding areas that are basically never touched as far as maintenance and are nasty developments. Mr. Reagan stated that it was his intent to keep his park in good order and developed according to city codes. Neighbors stated that there was quite a bit of undeveloped land in the area which would become easier to develop in the same manner if another trailer park is allowed to come in. It was stated that there were far too many mobile homes in a relatively small section of the city.

Mr. McCracken made a motion to deny the request on the basis of the negative impact it would have on adjoining properties, density considerations and further recommend to the City Council that it not be approved. The motion was seconded by Ms. Shaw. Voting was 5 in favor, 0 opposed. REQUEST DISAPPROVED.

#13 RZ93-35 Hillpoint Development Corporation requested approval of rezoning from C-3 to R-1 for 1.76 acres located at the south end of Fernwood Drive, east of Minitre Drive.

This rezoning involves abandonment of a street right-of-way by the City Council. With the abandonment of the right-of-way there would be a break between the residential and commercial property and you would not have the commercial traffic entering a residential subdivision.

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

#14PP93-13 Hillpoint Development Corporation requested preliminary approval of plans for Southridge Subdivision, Phase IV-C. The subdivision contains six lots on 7.64 acres. The property is located at the south end of Minitre Drive and the Fernwood Drive, east of Harrisburg Road.

Mr. Alston made a motion to approve the request subject to the street abandonment being completed through the City Council. The motion was seconded by Mr. McCracken. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATION.

#15 RP93-26 Hillpoint Development Corporation requested approval of a replat of part of Lot 10, Block E, Windover Heights Subdivision. The property is located on the west side of Martinbrook Drive, south of Windover Road.

The owners of this property presented a new overall development plan of the subdivision which would involve some street abandonment and development of a PUD that would involve some private streets. The new plans would open up new areas for development that are presently landlocked. Part of the plan was seen in conceptual form a few months ago.

This plat creates two lots and extends a portion of Martinbrook Street into a cul-de-sac. It was noted that improvement plans for the new section of street had not been submitted.

Mr. Damron made a motion to approve the request subject to the street improvement plans for the new section of street dedication being submitted by the project engineer and approved by the City Engineer. The motion was seconded by Mr. Alston. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#16 RZ93-36 Floyd Johnson requested approval of rezoning from R-1 to I-1 for 11.4 acres located on the

northeast corner of Belt Street and Greensboro Road.

It was noted by mini-warehouses and maybe some other light industrial uses were stated as potential development. A survey of the property has not been completed and additional information is needed on street right-of-ways and improvements. The property across the street to the south is presently zoned I-1 and has been for a several years. There was no opposition voiced by the persons in attendance.

Mr. McCracken made a motion to approve the request subject to street improvement agreements being entered into on Greensboro Road and Belt Street. It was further stipulated that prior to development on the property that a plat of the property be prepared, along with a site development plan, and submitted to show at least 30 of right-of-way from centerline on both streets. The plans must be approved by the Planning Commission prior to development. The motion was seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#17 RP93-27 R.C. Hunter, Jr. requested a replat of Lots 8 and 12 Hunter Heights Addition. The property is located on the west side of Cater Drive, north of Aggie Road.

A request for a drainage easement has been complied with for the existing ditch. A motion to approve the request was made by Mr. McCracken and seconded by Mr. Damron. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#18 PP93-12 Keith Petrek requested preliminary approval of subdivision plans for Hunters Ridge Phase III. The subdivision contains 25 lots on 8.45 acres and is located on the east side of Culberhouse Street, south of the Brentwood Subdivision.

A motion to approve the request subject to the owners reviewing the status of Lot 1A was made by Mr. Damron and seconded by Mr. Alston. Voting was 5 in favor, 0 opposed. REQUEST APPROVED.

#19 FP93-16 Wal-Mart Stores, Inc. requested final approval of subdivision plans for West Branch Commercial Addition, containing 3 lots on 20.83 acres. The property is located on the north side of Race Street, between Caraway Road and Bernard Street.

It was noted that the revised plan of the subdivision now included four lots instead of three. Sams Wholesale Club is planned for the very large lot with three out lots, two facing Caraway Road and one facing Race Street.

Mr. McCracken made a motion to grant preliminary and final approval of the four lot subdivision plan with the reason being that last month preliminary approval was given to the subdivision containing three lots last month. This month there is an additional lot but no more acreage than before. Approval is also subject to detailed street improvement plans being submitted on Caraway Road subject to City Engineer approval. The motion was seconded by Mr. Alston. Voting was 5 in favor, 0 opposed. REQUEST APPROVED WITH STIPULATIONS.

#20 SP93-20 Wal-Mart Stores, Inc. requested final approval of site plans for Sams Wholesale Club. The building contains 113,716 sq. ft. and is located on the north side of Race Street, between Caraway Road and Bernard Street.

Most of the stipulations, recommendations and comments from the preliminary approval were addressed on the final plans.

In regard to the traffic signal at Caraway Road and Race Street, Wal-Mart's representative Mandy Bunch of CEI Engineering stated that a traffic study had been conducted by Ernie Peters and of a traffic signal light is recommended. In an earlier agreement for a traffic signal in a different location Wal-Mart had agreed to provide 70% of the cost. Ms. Bunch stated that Wal-Mart will transfer that agreement from the other location to the new location. Wal-Mart will also provide and pay for the traffic signal design.

There was a great deal of discussion about improvements to Bernard Street from Race Street northward to the existing improvements. Ms. Bunch stated that information contained in the study performed by Ernie Peters, indicated that the extension of Bernard Street to Fowler Avenue did not benefit Wal-Mart any more than what is already proposed for the site. Access to the development is not intended to be by way of Bernard Street. She stated that the persons owning property on Bernard Street should participate in the improvement. It was the contention of the Commission that the impact of this development contributed heavily to the need for an additional access in the area, not particularly for persons desiring to enter Sams from the rear but for persons trying to get to and from the site in general. The opening of this street will reduce problems on streets that are already congested. Concern was also expressed that as indicated Bernard Street will dead end at the north line and this would tend to be an area for parking especially tractor trailers. After a great deal of discussion about the street extension, Ms. Bunch stated that Wal-Mart will improve Bernard Street from Race Street northward to connect to the existing improvements.

With regard to the improvements to be installed on Bernard Street, it was requested that the Church property be restored to its condition before the construction began. The church was also concerned about Sunday traffic. Ms. Bunch stated the receiving department was not open on Sunday so there would be no truck traffic on Sunday.

Wal-Mart is installing two retention basins on site, one handling the water entering the site for elsewhere, and the other to handle water generated on the site. Screening will be provided for the entire lengths of the basins.

Fencing is provided across the western side of the property, and is provided on Race Street from Bernard Street eastward to the extent of the retention basins, and on the north line is extended to buffer the loading dock area from the adjacent properties. There is a great deal of land that will not be graded on the north, west and south side of the property. The greenery will remain in place. Some concern was voiced concerning the blowing of trash even beyond the proposed fencing.

Ms. Bunch stated that many trees will be left intact on the site which should really enhance the appearance. Areas not to be disturbed will be blocked off during construction. The site does include some trees in the right-of-way located at five to seven feet from the back of the curb with the approval of the City Engineer.

Ms. Bunch stated that a problem with grades had arose with installing drainage pipe on Caraway Road. This installation is to be studied further and worked out with the City Engineer.

As shown on the plans no direct access will be permitted to Caraway Road or Race Street from the three out lots. Access to Lots 2, 3 & 4 will be by internal drives.

The plans for the building have changed. Ms. Bunch stated that the building will be finished with gray, split faced block very similar to the Supercenter.

A letter has been received stating the old retention basin will be completed independent of the Sam's project. A new plan showing the tree planting and improvements were also submitted. A tree survey has been conducted and an elaborate landscaping plan will soon be completed.

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

1. Providing the design work at their cost on the traffic signalization at Caraway and Race with the design to be approved by the City.
2. Transferring the traffic signal agreement from Highland Drive and Bernard Street to Caraway Road and Race Street.
3. The church property would be completed restored to the condition prior to installing the street improvements on Bernard Street.
4. The curbing on Caraway Road is to be shown.
5. Fencing to be installed as proposed with fencing details to be furnished.
6. Access to Lots 2, 3 & 4 will be by way of interior drives and not by direct access to the street as indicated on the plans.
7. Full improvements on Bernard Street from Race Street to the existing improvements.
8. Enclosure of the ditch on Caraway Road to be studied and worked out with the City Engineer. If possible the ditch is to be enclosed.
9. Completion of the old detention basin as outlined on the plan and timely as specified in the letter that has been received.
10. Furnishing a detailed tree plan when they are complete.

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

#21 FP93-17 Phillips Investments, Inc. requested final approval of the Thomas Addition, a commercial subdivision containing 3 lots on 18.66 acres. The property is located on the west side of Stadium Boulevard, south of Stadium Square.

Preliminary approval was given to the overall plan at the June meeting. Final approval is being sought on the first phase.

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

1. Pavements width being shown on plans
2. Include typical street details
3. Revise plans to show inlet details
4. The ditch being enclosed on Stadium Blvd. in any development project with approval by staff being permitted if the staff is comfortable. If the ditch is not enclosed then the site plan should be referred to the Planning Commission.

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