



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Metropolitan Area Planning Commission

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Tuesday, February 27, 2024

5:30 PM

Municipal Center, 300 S. Church

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### 1. Call to order

### 2. Roll Call

**Present** 7 - Lonnie Roberts Jr.; Jimmy Cooper; Kevin Bailey; Monroe Pointer; Stephanie Nelson; Paul Ford and Jim Little

**Absent** 2 - Jeff Steiling and Dennis Zolper

### 3. Approval of minutes

[MIN-24:018](#) MAPC Minutes: February 13th, 2024

**Attachments:** [2.13.24 MAPC Minutes](#)

**Approved**

**Aye:** 6 - Jimmy Cooper; Kevin Bailey; Monroe Pointer; Stephanie Nelson; Paul Ford and Jim Little

**Absent:** 2 - Jeff Steiling and Dennis Zolper

### 4. Miscellaneous Items

### 5. Preliminary Subdivisions

[PP-24-03](#) Preliminary Subdivision: Wolf Trails

McAlister Engineering is seeking preliminary subdivision approval for Wolf Trails Subdivision; 30 lots on 7 acres. The site is located at 305 N. Airport and within the RS-8, single-family residential zoning district.

**Attachments:** [Application](#)  
[Subdivision Plans](#)  
[WOLF TRAILS DRAINAGE REPORT](#)  
[Staff Report](#)

**Item has been withdrawn by the Applicant.**

[PP-24-05](#) Preliminary Subdivision: The Orchard Phase II

Mark Morris is requesting preliminary subdivision approval for The Orchard Phase II, 115 lots on 35.5 acres. Located south of Red Maple Way, this property is located within the RS-8 LUO, single-family residential district.

**Attachments:**     [Plat](#)  
                              [Staff Report](#)  
                              [The Orchard - Phase 2 Application](#)

**Mark Morris (Proponent):** Good afternoon, my name is Mark Morris, we're seeking preliminary approval on The Orchard Phase 2.

**Lonnie Roberts (Chair):** City planner do you have staff comments on this development?

**Derrel Smith (City Planner):** Yes sir, we reviewed it and it meets the requirements of the subdivision code so we would recommend approval.

**Lonnie Roberts:** With that, I'll open up discussion for any questions from commissioners.

**A motion was made by Jimmy Cooper, seconded by Jim Little, that this matter be Approved . The motion PASSED with the following vote.**

**Aye:** 6 - Jimmy Cooper;Kevin Bailey;Monroe Pointer;Stephanie Nelson;Paul Ford and Jim Little

**Absent:** 2 - Jeff Steiling and Dennis Zolper

[PP-23-10](#)

PRELIMINARY SUBDIVISION: Pacific Grove Phase II

Mark Morris is requesting preliminary subdivision approval for Pacific Grove Phase 2; 37 lots on 13.64 acres. This property is located north of Beech Grove Drive and zoned R-1, single family medium density district.

**Attachments:**     [Application](#)  
                              [Overview](#)  
                              [KATHLEEN-REVISION](#)  
                              [PACIFIC GROVE PH2 PRELIM REVISED](#)  
                              [Staff Report](#)  
                              [MAPC Submittal](#)  
                              [Grading](#)

Items remains tabled

## **6. Final Subdivisions**

[PP-24-04](#)

Final Subdivision: HJH Properties Replat

Cross Development is seeking minor plat approval for 3921 S. Stadium. This 7.37 acre site is located within the C-3, general commercial zoning district.

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**Attachments:**     [2024-01-17 Lot 1 HJH Properties Replat](#)  
[2024-01-17 Caliber Collision - Lot 1 Stadium Blvd. - Jonesboro, AR](#)  
[Application](#)  
[AR Jonesboro 3360-Owners Affidavit-2024.01.17](#)  
[Staff Report](#)  
[RP 20-63 H J H PROPERTIES REPLAT LOTS 1 AND 2 STADIUM BLVD AC](#)

DJ Strickland (Proponent): I'm DJ Strickland with Foresight Group representing the applicant, and our goal is to subdivide approximately a 2.3 acre portion of that 7.37 acre lot.  
Lonnie Roberts (Chair): City planner do you have any staff comments on this?  
Derrel Smith (City Planner): Yes sir, it does meet the requirements of the subdivision code so we would recommend approval.  
Lonnie Roberts: I'll open up for any commissioner questions or comments or any motions.

A motion was made by Paul Ford, seconded by Kevin Bailey, that this matter be Approved . The motion PASSED with the following vote.

**Aye:** 6 - Jimmy Cooper;Kevin Bailey;Monroe Pointer;Stephanie Nelson;Paul Ford and Jim Little

**Absent:** 2 - Jeff Steiling and Dennis Zolper

## **7. Conditional Use**

### [CU-24-01](#)

Conditional Use: East Parker Road and Elmhurst Drive (Pvt.)

Davidson Engineering, on behalf of Glenwood Limited Partnership, is seeking conditional use approval for a climate controlled storage facility located at the intersection of Elmhurst and E. Parker. The site spans 6.35 acres and is situated within the C-3 general commercial zoning district.

**Attachments:**     [23-104 CONDITIONAL USE Submittal 1.17.2024](#)  
[RP 17-28 GLADIOLUS BUSINESS PARK](#)  
[Site](#)  
[Sign Posted](#)  
[23-104 Cert Mail](#)  
[Staff Summary](#)

Bear Davidson (Proponent): Bear Davidson with Davidson Engineering.  
Lonnie Roberts (Chair): Anything you would like to add before we proceed?  
Bear Davidson: Just a few things, this is on 6.35 acres this is southwest and adjacent to the Walmart Market, the structure itself is about 120,000 square feet. There was an area on our site plan we submitted reserved for detention on the western side of that 6.35 acres, and we have been in conversation with Walmart through this process and have reached an agreement with them, as that portion of Elmhurst drive is a public access road, but it's actually owned by the owner of the Walmart parcel, and also we got sites like this that have been built in the last 3 to 4 years in Benton, Springdale, Conway, Bentonville, this is climate controlled storage so it's a bit different than the old school row house type storage. It's got a front on it that looks more like commercial retail, with glass storefront and stone and brick façade. There's a picture there and

across the bottom is the frontage that you would see from that corner on Elmhurst. If there are any questions I will try and answer them.

Lonnie Roberts (Chair): City planner do you have staff comments?

Derrel Smith (City Planner): Yes we do, we got a question first, and Bear is that one story or two?

Bear Davidson (Proponent): It's one story. All one level.

Derrel Smith: Okay, so it's going to be one story.

Bear Davidson: Yes sir. Now the front of that building because of the slope, the roof will be taller, the last one we did ended up being 19, 20 feet tall, but it is all one story.

Lonnie Roberts: I have a quick question too before we proceed, you said that Walmart had owned the access that you would be adjoining, is that wall the way out to Parker Road or just the area where you'd be?

Bear Davidson: It's odd and I have a copy of the plat here with me that may be in your paperwork as well, so Elmhurst is kind of c-shaped, that eastern leg from the pivot point back to the east there is owned by Walmart, and is within an easement. That northern leg from the cursor to the north, is also shown on the plat as a variable width drive access for public use access with a 60 foot minimum width. It is also a public access it's not a city maintained road, and I brought that up cause I wanted to understand that a little better myself early on as far as the city's perspective. I know lot 3 has a small health clinic on it that was developed, since this was platted in '17 and they encountered the same thing I'm sure so, I just wanted to see how that would be evaluated by the planning commission.

Lonnie Roberts: We will proceed with staff comments, Derrel do you have anything to add?

Derrel Smith: If you decide to approve we would have the following stipulations that upon conditional use approval all of the required local, statewide, permits and inspections must be applied for and obtained. Any large scale commercial project over 75,000 square feet will have to come back to MAPC for approval.

Lonnie Roberts: This is a conditional use, I'm going to open up to the public, is anyone here to give public comments on this particular case? If not I'm going to open up for commissioners. Commissioners, questions and comments?

Paul Ford (Commission): My question is, is the access to the property, a private owned road? And if yes, does your client have an easement, or are they just relying on someone else's easement?

Bear Davidson (Proponent): So the answer for that is different for the different parts of that road, but I'll try to answer that clearly, the eastern portion of Elmhurst, from our northeast corner moving east, is actually owned by Walmart. But we have an agreement with them in place, today to use that. But even if we had not, that western portion that goes from our northeast corner due north to Parker is a platted public access easement, that was platted for the use and benefit of the lots in this subdivision. So it was platted there to access these parcels.

Paul Ford: Platted and benefited to, is that a burden that runs with your land or with the other individuals land?

Bear Davidson: It's not owned by those individuals like the portion on Walmart is, it's a public access easement and I would refer to that as a right of way but-

Paul Ford: My question is that if someone does not have that perpetual benefit, almost as a right of title, which is referred to as a benefit that runs with the land and is a burden that runs with the other person's land, if there is not that permanent benefit and burden then someone could take it away. And if the other property is, and then my next question is you have an agreement with

Walmart, but often Walmart's do not own their property, they just rent their properties and some other person owns that land, and if that agreement, if that's not an easement vs an agreement, and Walmart decides not to rent there anymore, and they leave it like Big Lots out on the other part of town, so my concern is that you're building this structure and we don't necessarily know that we have perpetual access to it by virtue of a city street or an easement. Bear Davidson: Mr. Ford it's a good question, I don't think I answered it well the first time, I'll try again. I think what you're saying is, say Walmart decides to stop honoring their agreement with us, allowing us to access, and they own the property under that easement, and so that access goes away, what I was trying to say is that these other lots, for instance lots 1 and 3 they're parcel boundary does not overlap the easement, the easement is west of their parcel boundary so they don't own that easement. That easement is over and on top of lot 4 which is what we are buying a portion of its lot 4. Does that make more sense? Maybe not.

Carol Duncan (City Attorney): Who owns the remainder of that? How far down do you own? Or I guess does your client own? Like it wouldn't get you all the way to Parker Road correct?

Bear Davidson: Not property that we would own, just that easement that is part of lot 4, but the next step for us, we're here tonight to get a conditional use, this property is under contract but not yet closed on. And, if we secure a conditional use permit that give us the confidence with the project to move forward and our next steps with you would be to submit a full set of site plans to review and also, a final plat, to separate this portion of lot 4 from the rest of it. And as part of that final plat that easement would be shown for access from Parker which is a public street to our northeast corner. Right now it's just over and above lot 4, but lot 4 is not yet been subdivided.

Paul Ford (Commission): Maybe it's because I don't have northeast and all that stuff in my head but if we're looking at that property that is up there now, where it says Affordable Denture Implants and then to the south where I see Elmhurst Drive, that is between Affordable Dentures and Walmart Neighborhood, is that Elmhurst Drive a city street or a private owned street?

Carol Duncan (City Attorney): Private owned street.

Paul Ford: And do you have an easement of right, to that Elmhurst Drive or does your client have an easement that would be filed on record. Not an agreement. But an easement.

Bear Davison (Proponent): For that portion? James can you help me answer that?

James (Proponent): So I was involved in the development of all this, for the Wormack family, there is an easement agreement that is filed as a matter of record that controls both the portion of Elmhurst drive that's on the Walmart side of the property and the portion of Elmhurst drive that is not. It's a two way easement that is for the benefit of both the Wormack and for Walmart, so no one can take away access from either access point, from either Parker or Harrisburg Road. And it's filed so it can't be changed without the agreement of both parties.

Paul Ford: And then, when that property is sold, that benefit that runs with the land would transfer to the new buyers?

James: It is a matter of public record, and it can't be taken away.

Paul Ford: But if I have an easement, it can be personal but then it has to be transferred.

James: It is for the benefit of all the owners in this parcel.

Jimmy Cooper (Commission): The three businesses that are across the street would be in the same situation. The dental thing-

James: Right, the Home Depot-

Paul Ford: I wasn't here when those things were built or needed approval, I'm just questioning it because of what was said, that's all. I'm not trying to be difficult, but do we want to approve of something being built if there's not an easement right vs, an understanding or an agreement, that could change.

James (Proponent): The ECR agreement is the easement of right and it is recorded. It's not like a two parties agreeing, it's recorded. It's in place and it's described and it has legal description and all that is filed right now as a matter of record.

Carol Duncan (City Attorney): So the question that was proposed to me in advance was under the city code 113-80 subsection A, part of which says each lot must front on a public street or road which has a right away of not less than 50 feet in width. And I don't remember what happened to 2017 or how the others were developed without that, but that is the question that was proposed to me.

James: I completely agree, I own that Affordable Care Dentures building, and developed that and didn't have to have anything different.

Carol Duncan: Was it already properly zoned?

James: Yep it was zoned and-

Carol Duncan: So it was just approved by the planning department at that time?

James: What we did was when we did the Walmart development we platted those three lots, and we did this plat, so lot 4 the big lot is a part of that plat but I didn't have to anything different to get a building permit on lot 3 which doesn't-

Carol Duncan: I know this predates Derrel, but I don't know how that happened, with that has any consideration been given into making that a city street? Dedicating it, to solve the problem?

James: I begged and pleaded and argued, when we did the Walmart development that we needed to make that a city street, Walmart built all of Elmhurst Drive as part of their construction and they paid for that. And I tried to make the CR where it was built to city street specs, and dedicated as a public street. And they did not do that.

Carol Duncan: Walmart did not do that? What about the other direction?

There's two way to get-

James: They built all of it, they don't own but one part of it, but they built all of it.

Carol Duncan: They don't own the part that's not Elmhurst drive right? That goes to Parker Road?

James: It's all Elmhurst Drive.

Lonnie Roberts (Chair): Did they build that part as well that goes to Parker? Okay.

James: So, they built that whole c-shaped street. And part of it is their property and part of it is not. And they did not dedicate it to the city.

Carol Duncan: I understand that, but I'm asking who owns it now?

James: Okay, Walmart owns, the portion that goes to Harrisburg, the Wormacks own the part that goes to Parker.

Carol Duncan: And that's my question has any consideration been given to making that city street standard? That would eliminate all of Mr. Ford's questions.

James: I would love to do that if that was possible, my understanding was that, it may not be possible. Since it's already built and it wasn't inspected and done you know. Didn't go through the proper channels. To be dedicated when it was built.

Carol Duncan: Well, I don't know the answer to that cause I'm not a builder.

Michael Morris (City Engineer): I don't know if we wouldn't, we'd just have to look at it and see. I mean, I think it was built adequately you, I don't think it's a substandard street. Like we've had in other cases. We just make an assessment on it. I remember it being built, and it's held up all these years.

Carol Duncan: I'm just thinking that would solve the problem not only that they have, accessing and having fronting, but also for future development on the other side. If you parceled that out you're going to have the same problem with any parcel that doesn't front on Parker.

James: Right, when we originally did all this we envisioned lot 4 to be one development-

Carol Duncan: Which then would have Parker access?

James: Which would have about 50 feet of Parker access. I'll definitely have our engineers look into if there is a way to present it to the city, to dedicate it and make it a city street. I think Walmart would agree to that, and even if Walmart doesn't agree to that, we can do our part.

Carol Duncan: You can do half, you don't have to do their half.

James: That's right, so we could do that, and we'd be happy to.

Carol Duncan: I mean, I don't know if that solves your problems, when I read that and we started having this discussion I also looked at 113-82 which gives some consideration, I think to MAPC if it's in the opinion of the commission, any departure from the regulations of this article can be made without destroying the intent of the regulations, it gives you a little bit of leeway on large scale developments. But I didn't write that, so I don't know.

James: I don't know if that regulation hasn't always necessarily been enforced, and we have a commercial shopping center type of development. That it's more applicable to somebody trying to do a subdivision without wanting to go by the rules and doing a bunch of easements, so people can access their property which would skirt the subdivision requirements of the city.

Carol Duncan: That not what y'all are doing? I'm just going to be devil's advocate for a minute.

James: Well, it could be considered, in theory that way except, we are going to comply with everything that would normally be complied with if it were a city street.

Carol Duncan: I've tried to answer the questions that were inquired to me before the meeting.

Kevin Bailey (Commission): I have a question so the development to the south which is the medical community building that is going on, where the road extension is, and full disclosure, I am the contractor for that company, we have extended Gladiolas and brought a street through that development, city standards and everything, I kind of thought that would be tied together, everybody did, Jim you might speak up, and that Gladiola would get tied onto so that traffic would come on, back out through Parker.

Jim Little (Commission): It has an access easement through there you just can't see it.

James: So when the Wormacks bought this Gladiola property, the Ceras family kept that tract where you're putting the medical facility, they kept that space and it's too narrow for a city street, access easement to be determined, which never was determined over the years so we've drawn that in cause that does exist, we've drawn that in top go around the edge of this, when Kent sold that property he called me, okay so, someone came to this commission years ago trying to get it rezoned to R-3.

(Commission): It didn't have the right-

James: The family development didn't go right, they tried to use this easement

as a second entrance and it's not wide enough for a city street and so couldn't really get that done. Kent called me and I said, the buyers of the medical that is going to go up, are going to want to use that as an access, should we come up with a way to get traffic through there, and he said no, even though that is in their favor and they could use it, they don't want through traffic, in their development, they want a quiet use, and they like the property the way it is with one way in. It's not a high traffic lane.

Kevin Bailey: Not trying to put words in their mouth, but when that project went through the review process, Jim you might speak up, I always thought that the city's wanted that road to get connected back out the other way.

Jim Little (Commission): He's right for them to be able to use the rest of the property they another outlet they can't just come out it from one direction, so that was supposedly spoken as if it was a legal document and it was gonna connect through the north.

Kevin Bailey: North from the property you're talking about?

Jim Little: Right. Basically where they have their road roughed in.

James: I haven't been contacted or the Wormacks haven't been contacted by those owners to find where that easement is, and it still has never been defined and the agreement was that the Wormacks got to define where it went. So we have never done that cause we weren't sure what we were gonna do with this property and so now that we are doing this project we are going to define it out around the edge of it. To where it also lines up with the drives now. So if they did want to use it they could. But it wouldn't be able to be a public street because I think it's only 20 or 25 feet.

Kevin Bailey: That's the problem I have with it, not with necessarily what you're trying to do, it's just I want a street and I think the city of Jonesboro wants a street.

James: I haven't looked at any of the designs of that project, does it have a street that goes through and up connecting to the Wormack property?

Kevin Bailey: It does.

James: It does okay, well, we're open to working something out. We could go around the back of this project.

Kevin Bailey: It's not for this conversation but it should come into play at some point in time, because we specifically needed to do a city street in that development and I just think that the next development needs to do the same thing.

James: I agree and I never saw the drawings and so I didn't know that it was a public street that was going to connect, I had been told that the user didn't want through traffic in their development.

Kevin Bailey: They may very well not, but it's going to be through traffic because it's a city street that's been developed through there.

James: Well, we'll definitely take that into consideration and I'll request those plans so we can get something that might work.

Jim Little: And we can get you the sight plan as well.

James: And we'll do that to try to give Elmhurst drive to the city.

Carol Duncan (City Attorney): I mean, I just think that solves a lot of problems with developing a lot of those lots.

James (Proponent): I totally agree and will be happy to do that.

Carol Duncan: You're here under conditional use. That's a future problem.

Derrel Smith: That could be a condition.

Carol Duncan: Well, that could be a condition under the conditional use. That's true.

Lonnie Roberts (Chair): It would obviously have to be resolved before we get the site plan approval as well wouldn't you think? Okay, any other questions



commissioners? Now's your chance. Anybody ready with a motion? Are there any other questions that we need to consider on this side of the conditional use?

Paul Ford (Commission): So is the proposal that I think we were discussing, is that in addition to the structure that is being purposed to be built, that it must have a city street that it currently doesn't have?

Derrel Smith: I think as a condition of conditional use they need to dedicate Elmhurst from Parker to the property. So this will actually have frontage meet code. Then, I think they need to expand the city street to connect with the property to the south.

Paul Ford: That'd be two conditions.

Lonnie Roberts: So that will be a city street coming across that property and that will be a city street tied into the south, the provision that has already been made for a city street., Mr. Bailey spoke of.

Kevin Bailey: Michael can you speak up on that?

Michael Morris (City Engineer): I was pulling up the plans and trying to see, from the health building, theirs just goes across the property there's nothing really that turns north that I see.

Kevin Bailey: It goes across the property and goes west.

Michael Morris: West, correct. I was trying to see if there's anything that went north and there's not, back when they started this.

Jim Little: So from my understanding they would need to develop that further to achieve a connection.

Michael Morris: There's going to be requirements for fire, and I don't know when that trigger is going to happen. I just know that there is going to be one, even for this other development you may end up hitting another fire requirement for going in and out. For the Gladiolas. Well, no that's the one we looked at that's 124,000 with sprinklers and it was less than that, so this one here does not. I remember we looked at that yesterday. So they're under the requirement for fire code to have a secondary entrance, this development here.

Lonnie Roberts: So we're considering as a condition of the conditional use is there must be dedication from Elmhurst from Parker Road to the subject property. That's part one of that, was there a part 2 that said a city street has to be continued across the property-

Derrel Smith: He's going to have to extend to the property to the south and that's gonna be depending to where the property owners can make that connection work.

Jim Little: So we're talking about multiple properties then.

Unable to transcribe

Derrel Smith: That's going to be between you and property owners to make that connection work.

James: We got a lot we can run all the way to Gladiola

Commission: East of the cell tower.

James: That's correct it wouldn't get to the other.

Unable to transcribe

Lonnie Roberts: Anything else to add with the conditions

Commission: You think we're ready to vote on this when we don't have these questions, we don't even know what question to ask right.

Paul Ford: And I know there was a part of your initial condition that it be dedicated, but at some point in time, the city could reject it for whatever reason.

Derrel Smith: You're correct.

Paul Ford: Cause they city can go out and their and inspect and decide not to accept because they don't want to accept the maintenance or what may have

to be committed fund wise to fix whatever they offer them. So that just seems to be problematic.

Derrel Smith: So, let's say that they provide core samples showing that it meets city street design standards and then if it does that, they have to dedicate the street.

Paul Ford: I mean, I don't know what it takes for a street to be dedicated, I know that there are but I don't know what they are.

Derrel Smith: The core samples will tell us if that street is built adequately for the city to maintain it.

Lonnie Roberts: So I guess going back to what Mr. Little said are we ready to vote on this?

Bear Davison (Proponent): Can I ask a question, sorry to interrupt, I understand the first condition that in order to meet the code we gotta have frontage for our parcel, but the second to continue that further south, seems to me to be serving a parcel other than ours, it just seems like a burden to take care of a parcel to our south being placed as a condition on us because I don't believe based on our square footage there's a need for multiple-

Derrel Smith: The original property owner agreed to have that connection, now that he sold it off it doesn't mean that we're not still going to make that requirement. So, your property owner had the entire parcel at one time.

Bear Davidson: The previous seller

Derrel Smith: Yes and they were aware there was going to be a requirement for a connection from back when they tried to apartments in there, they knew there was going to be a requirement to make a connection up to Parker Road.

James: Okay that wasn't us though, that was the other tract. That's the medical development.

Derrel Smith: But this seller had both properties, they had all of that at one time. Wasn't this the Wormack property?

James: We bought what was platted, what you saw in the plat, the Ceros family that originally owned it all kept, the 20 acres to the south that's now being developed for the medical facility. So we never had that or split that off,

Monroe Pointer (Commission): So, if that wasn't split off, let's just say for conversation and the part that was going to be connected to, is that Green Meadow, is that going to connect through there or at Gladiolas? Where is that supposed to be connecting at?

Derrel Smith: Gladiolas was going to go into whatever development was going to be there and there was gonna be a connection, from the north to get it up to Parker Road.

Bear Davison: I understand, that maybe we should be required to accommodate for space or for an easement, of a future city street to the south. But what seems burdensome is to have to go ahead and construct that when it would be to serve developments to our south and our development doesn't require multiple egresses. So it's not the accommodating for the road but the construction of it that seems.

Lonnie Roberts: I think part of it is, that now your property is going to cut off the connection to the north and the connection to the south if I understand that correctly. Is that correct?

Commission: Someone has to bridge that gap.

James: It would probably be better to put it further to the west, if we built a city street that went along the north side, of this tract, that their trying to get the conditional use on, and then south, didn't you say there was a connector road somewhere from the medical development that we could hook onto, at that point instead of running it?

Commission: There was a place that was going to be, but yes that is further

west.

Unable to transcribe

Lonnie Roberts: At this point we're trying to plan streets and I think we need to get honed back in to our conditional use and make a decision. I know the site plan is going to be subject to that, so at some point along the way we'll have to see something that would satisfy our requirements on that, between now and the approval for the site plan.

Paul Ford: I guess the reason for my hesitation tonight is that, I hate to be put into a situation where, somebody gave me a conditional use and I bought a piece a land and came back for site approval and they reject it.

Lonnie Roberts: I agree completely with you.

Paul Ford: And then I got this piece of property that I can't do what I bought it for. I would be unhappy. So, I would rather fight the battle now than I would later. That's the reason for my concern tonight.

Lonnie Roberts: So, how do we take our plans for the city street, Derrel?

Derrel Smith: I think right now if you make it conditional that the right away for the street that's built, Elmhurst, can become a city street and a right away dedicated to this property line, then you have made this lot a buildable lot.

Lonnie Roberts: So, my point on that then is we make this conditional use, conditional upon that, if they don't approve the city street then the conditional use goes away.

Derrel Smith: Then it's null and void, and then the right of way dedication, we'll look at in the future with the site plan. Once we know exactly where everything's going how they're going to lay the buildings out, and we'll look at doing a right of way dedication during the site plan.

Bear Davison: I have 70 feet to play with and that can be on the west end or the east end, so that helps us know we are allowed to build storage here, so that's beneficial for us.

Lonnie Roberts: So, as a condition of the conditional use the city street approval has to be met.

Michael Morris: When they go to subdivide that lot number 4 that's when that roadway and the future extensions will be brought up. But then it's going to become that if you put it on an easement and you put the roadway in there we're going to require a performance bond to be built.

Lonnie Roberts: Any thoughts on that Mr. Ford?

Paul Ford: What you're saying is we grant a conditional use subject to the conditions of meeting city street access whether that be to the north or the south.

Derrel Smith: It will only be on Elmhurst going to Parker. We will look at it further when they get closer to development but to make this a buildable lot we need to get a minimum of 50 foot of right of way from Parker down to this lot. And that is going to require that northern part of Elmhurst being a city street.

Paul Ford: And is that 50 feet? Is it now?

Bear Davison: There is a 60 foot easement through there now.

Derrel Smith: 60 right now so that should be fine.

Lonnie Roberts: Any other questions? Anyone ready to make a motion?

Carol Duncan: Moving for approval of the conditional use permit, with the stipulations of staff and the additions of Elmhurst north to Parker being approved as a dedicated city street.

A motion was made by Jim Little, seconded by Jimmy Cooper, that this matter be Approved . The motion PASSED with the following vote.

Aye: 4 - Kevin Bailey;Stephanie Nelson;Paul Ford and Jim Little

**Nay:** 2 - Jimmy Cooper and Monroe Pointer

**Absent:** 2 - Jeff Steiling and Dennis Zolper

## **8. Rezoning**

## **9. Staff Comments**

[COM-24:009](#)

Other Communication: Sidewalk In-lieu Fee Update

**Attachments:** [2024 Sidewalk In-lieu Fee Update](#)

Lonnie Roberts (Chair): The next item we have on the agenda is the communication provision of the sidewalk in-lieu of update, and I'll turn it over to Michael Morris.

Michael Morris (City Engineer): So, I put a spread sheet in front of all of you and it shows basically how much in-lieu fee we have acquired since 2018. We have one project that we pulled money out of it, it was 57,000 it was we had done Wilbeton, Rainwood, down to Nettleton so we did about 60 percent of that with this fund. Currently the balance is 95,000 and some, that is currently in the account, we have some that have been approved by this MAPC, but they have not paid for yet, and three of those have not been started. The TA express is under construction and they'll have to pay that fee before they get their certificate of occupancy and I thought you all may want to know how much had been denied so I put that on there as well. Just to give y'all an update of where we stand, when we get these requests and if you got any questions, I'll be happy to answer them.

Lonnie Roberts: Any questions at this point?

Michael Morris: And I was going to tell you that we're going to pull the 95,000 out and take that account to zero cause we did Simms Avenue, we're gonna use the money from that for Simms. So the next invoice we get for Simms we're going to use that amount, there's a new connection from Wood Street to Culberhouse.

Lonnie Roberts: Everybody happy with that?

Commission: Thank you.

Kevin Bailey (Commission): So, I got a question for you Derrel, when are we as a city going to start slowing down, I didn't want to beat up these guys that were here before, but when are we as a city gonna look at stop for mini storages are we ever?

Paul Ford (Commission): It's in the same category as apartments.

Carol Duncan (City Attorney): I think that what most of the case law says is that you're free market determines when you have too many, and they can't use them and they'll quit building them.

Lonnie Roberts: Well, that's when they're sitting there empty though.

Carol Duncan: I get it, same for apartment's right?

Lonnie Roberts: I agree and I think as planners, you're right and I think we need to take the responsibility and if we're really going to plan that's what we need to look at.

Monroe Pointer: So by me voting no and everybody else voting yes, I felt almost obligated to say yes, but is there a problem because I said no? Because I think we're getting to the point where we have too many mini storages? Attorney wise?

Carol Duncan: I think that, we need to do a little research on, apartments are protected by fair housing, which would be different than mini storages, but I think generally it becomes a legal issue if you prohibit one business over another. Like, if you say we have too many McDonald's so we're going to approve any more for example or we have too much fast food so we're not gonna approve any more fast food. In general people in the United States have the right to within zoning requirements develop their property how they want to. They take the risk of whether it's a successful business or not.

Paul Ford: If this development went bad, you can make condos out of it.

Carol Duncan: I do understand the concern.

Lonnie Roberts: At this point though, to lend to what Monroe said, we made a special permission for this one.

Derrel Smith: Right, because they're conditional in C-3 or general commercial zones, they're only allowed by right, in industrial. So you are giving them special permission to operate in C-3.

Carol Duncan: And you could stop doing that, legally. We have been discussing a multitude of projects with the Municipal League and I'll add this to the list. And I'll try to give y'all some feedback. But definitely you can turn down a conditional use and I will get you some feedback.

#### **10. Adjournment**