

# City Council Meeting

Conditional Use - 2404 Matthews

January 17, 2017



IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS  
WESTERN DISTRICT  
CIVIL DIVISION

NEIL STALLINGS PROPERTIES #1, LLLP

PLAINTIFF

VS.

NO. CV 2017- 20 (JF)

KIDD INVESTMENTS, LLC

DEFENDANT

**PETITION FOR QUIET TITLE**

Neil Stallings Properties #1, LLLP, by and through its attorneys, Waddell, Cole & Jones, PLLC, states the following for its Petition for Quiet Title:

1. Neil Stallings Properties #1, LLLP (“Stallings”), is an Arkansas limited liability limited partnership, in good standing with the Arkansas Secretary of State and located in Jonesboro, Arkansas.

2. Kidd Investments, LLC (“Kidd”), is upon belief an Arkansas limited liability company located in Paragould, Arkansas.

3. The real estate that is at issue in this Petition is located in Jonesboro, Craighead County, Arkansas.

4. This Court has jurisdiction over the parties to this action and over the subject matter of the claims made herein. Venue is proper.

5. Stallings is the owner of the real property described in Exhibit “A” attached hereto (hereafter referred to as the “Stallings Property”). Stallings acquired the Stallings Property by deeds recorded on May 27, 2011, copies of which are collectively attached hereto as Exhibit “B.” The principals of Stallings, Kenneth N. Stallings and Kathy A. Stallings (now Buchanan) acquired the Stallings Property by deed dated January 1, 1986, attached hereto as Exhibit “C”.

FILED

JAN 17 2017

CANDACE EDWARDS  
CIRCUIT COURT CLERK

Stallings and its predecessors in title have paid the taxes on the Stallings property for at least the last twelve (12) years, as shown by the tax receipts collectively attached hereto as Exhibit "D."

6. Kidd recently purchased a lot contiguous to the Stallings Property. The Warranty Deed conveying legal title to the Kidd Property is attached as Exhibit "E" attached hereto. The lot now owned by Kidd and described in Exhibit E is hereafter referred to as the "Kidd Property."

7. Kidd has recently applied to the City of Jonesboro for a zoning classification change for the Kidd Property, and in the process of making application submitted a site plan depicting the Kidd lot and the proposed location of a laundromat building. See, attached Site Plan, marked Exhibit "F."

8. Based upon the Site Plan, and markers on the ground related to the Site Plan, it has become clear to Stallings that Kidd is claiming ownership of a portion of property that Stallings and its predecessors in title have owned, enjoyed and possessed for decades. Although no survey has been completed yet by Stallings to determine the exact description of the disputed area of property that Stallings has possessed, it is estimated that Stallings and its predecessors have used, maintained and improved approximately the easternmost fifteen (15) feet of the Kidd Property (the "Disputed Property"). The easternmost fifteen (15) feet of the Kidd property includes a ditch that has been dug out and maintained by Stallings and its predecessors in title for over seven (7) years. The Disputed Property line has been recognized by the parties' predecessors in title as the boundary between the properties.

9. Stallings and its predecessors in title have openly, notoriously, continuously and adversely possessed the Disputed Property (including the ditch described above), claiming it as their own and to the exclusion of Kidd and its predecessors in title, for a period greater than fifteen (15) years. Said possession has been evidenced by walking the area, cutting and/or

trimming trees in the area, mowing and maintaining the area, including the ditch, the placement and replacement of billboard signs and guy wires, the placement of a concrete mailbox pad and mailboxes, and other actions by Stallings and its predecessors in title which would indicate obvious claims of ownership of the Disputed Property. Further, Stallings owns and maintains a sewer line within the area of the Disputed Property that was installed many, many years ago and that has been replaced and maintained since. A portion of the sewer line is above the ground in the Disputed Property and clearly visible to any owner of the Kidd Property, which would be a clear indication of Stallings' and Stallings' predecessors in title claims of ownership of the Disputed Property.

10. This Court should determine the legal description of the Disputed Property and quiet and confirm legal and equitable title to the Disputed Property in Stallings.

11. Stallings reserves the right to amend its Petition upon the discovery of additional facts.

12. Any and all Exhibits attached hereto are incorporated by reference.

WHEREFORE, Neil Stallings Properties #1, LLLP, respectfully petitions the Court to find that title to the easternmost fifteen (15) feet of the Kidd Property (or as determined by the Court after a survey is conducted) is vested and confirmed in Stallings by virtue of boundary by acquiescence and/or its adverse possession; for its attorney's fees and costs; and for all other proper relief to which it may be entitled.

Respectfully Submitted,

Neil Stallings Properties #1, LLLP

By:

  
Robert J. Gibson (93242)  
WADDELL, COLE & JONES, PLLC  
P.O. Box 1700  
Jonesboro, AR 724013  
870-931-1700

Attorneys for Petitioner

**VERIFICATION**

STATE OF ARKANSAS  
COUNTY OF CRAIGHEAD

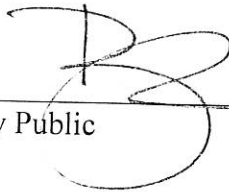
KEN. N. STALLINGS, first being duly sworn, states upon oath that he is the PARTNER of Neil Stallings Properties, LLLP, and having the authority to do so, states that the facts set forth in the above and foregoing Petition for Quiet Title are true and correct to the best of my knowledge, information and belief.

Neil Stallings Properties, LLLP

By:



SUBSCRIBED and sworn to before me this 17<sup>th</sup> day of January, 2017.

  
Notary Public

My Commission Expires:

6/15/2019

**Robert J. Gibson**  
**Notary Public - State of Arkansas**  
**County of Craighead**  
**My Commission Expires: 06/15/2019**  
**Commission # 12371620**

B109 COR

FRESH  
FLOOR











61

STALLINGS SQUARE 2414

HQ FOR RENT  
BY CITY



**2424 STALLINGS SQUARE**

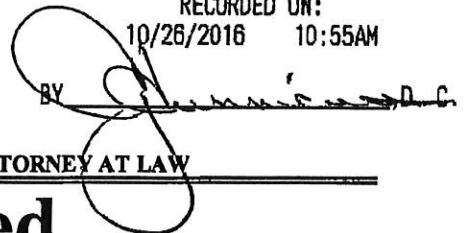
*The State of Georgia*  
**Real Estate**  
The State of Georgia  
Real Estate Commission  
2010-2011

<b>General Lead</b> 2010-2011	<b>General Lead</b> 2010-2011
<b>General Lead</b> 2010-2011	<b>General Lead</b> 2010-2011





\*JB2016R-0165803\*  
JB2016R-016580  
CANDACE EDWARDS  
CRAIGHEAD COUNTY  
RECORDED ON:  
10/26/2016 10:55AM

BY 

THIS INSTRUMENT PREPARED BY: J. ROBIN NIX, II, ATTORNEY AT LAW

# Warranty Deed

(Single Person)

KNOW ALL MEN BY THESE PRESENTS:

That I, **Russell Burns, Successor Trustee of the Finis D. Burns Revocable Trust**, for and in consideration of the sum of **\$65,400.00**, and other good and valuable considerations to me in hand paid by the **Grantee** the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Kidd Investments, LLC**, and unto its successors and assigns forever, the following described land situated in the County of **Craighead**, State of **Arkansas**, to-wit:

A part of Lot 4 of Cobb & Lee's Survey of the Northwest Quarter of Section 21, Township 14 North, Range 4 East, and being more particularly described as follows: Commencing at the Northwest corner of said Section 21; thence South 00°47'14" West 255.60 feet, thence South 88°43'20" East 562.22 feet to the Northwest corner of Lot 4 aforesaid, said point being the point of beginning proper; thence South 88°43'20" East 121.80 feet; thence South 00°47'14" West 156.81 feet to the North right of way of Matthews Ave.; thence North 89°32'11" West 121.80 feet, thence North 00°47'14" East 158.54 feet to the point of beginning proper, containing 0.44 acres, more or less, and being subject to all public and private roads and easements.

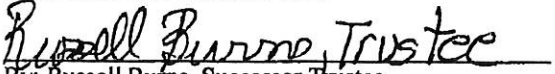
Subject to assessments, building lines, easements, mineral reservations and/or conveyances, restrictions, and any other matters of record or fact.

To have and to hold the same unto the said **Grantee** and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And I hereby covenant with said **Grantee**, that I will forever warrant and defend the title to the said lands against all claims whatsoever.

WITNESS my hand and seal on this 24th day of **October**, 2016.

Finis D. Burns Revocable Trust

  
By: Russell Burns, Successor Trustee

Warranty Deed - Single

**ACKNOWLEDGMENT**

**STATE OF Arkansas  
COUNTY OF Craighead**

Be it remembered, that on this day came before me the undersigned, a Notary Public duly commissioned qualified and acting, within and for said County and State, in person the within named **Russell Burns, Successor Trustee of the Finis D. Burns Revocable Trust**, to me personally well known to be the person whose name is subscribed to the within instrument and acknowledged that **he/she/they** executed the same for the purposes therein contained.

In testimony whereof I have hereunto set my hand and official seal this **24th** day of **October, 2016**

*Sanda Greene*  
Sanda Greene, Notary Public

My Commission Expires:  
**August 20, 2020**



I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

*Kidd Investments LLC*  
Kidd Investments, LLC

Address: 623 GRANT 965  
PARAGOULD, AR 72450



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 16-1640

Grantee: KIDD INVESTMENTS, LLC  
Mailing Address: 623 GREENE 965  
PARAGOULD AR 724500000

Grantor: RUSSELL BURNS, SUCCESSOR TRUSTEE OF THE FINIS D. BURNS  
Mailing Address: REVOCABLE TRUST  
1600 HEERN DR  
JONESBORO AR 724010000

Property Purchase Price: \$65,400.00  
Tax Amount: \$217.80

County: CRAIGHEAD  
Date Issued: 10/25/2016  
Stamp ID: 773050368

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Kidd Investments, LLC

Grantee or Agent Name (signature): " " Date: 10-25-16

Address: 623 Greene, 965

City/State/Zip: Paragould, AR 72450

# Google Maps



Imagery ©2017 Google, Map data ©2017 Google 50 ft

Measure distance

Total distance: 200.40 ft (61.08 m)





# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes 3 - Final Metropolitan Area Planning Commission

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Tuesday, October 11, 2016

5:30 PM

Municipal Center

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### 1. Call to order

[play video](#)

### 2. Roll Call

[play video](#)

**Present** 9 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

### 3. Approval of minutes

[play video](#)

Approval of the MAPC Meeting Minutes for September 27, 2016.

[play video](#)

**Attachments:** [MAPC Meeting Minutes September 27, 2016](#)

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

**Aye:** 7 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Jimmy Cooper and Rick Stripling

**Absent:** 1 - Brant Perkins

### 4. Preliminary Subdivisions

[play video](#)

Conceptual Subdivision Review: Airport and Prospect Road - 20 Acres with 62 Lots

Terry Bare of Fisher Arnold requests MAPC conceptual review of a single family subdivision that is proposed to be located at the corner of Airport Road and Prospect Road, which includes 62 lots on 20 acres total. The purpose of this review is to gain MAPC feedback.

[play video](#)

**Attachments:**     [Conceutual Design Plan](#)  
                                 [Layout of Area](#)

**APPLICANT:** Mr. Terry Bare requested conceptual review of a single family subdivision that is going to be located at the corner of Airport Road and Prospect Road. There will be 62 total lots in the development. Mr. Bare wants to get MAPC feedback before his client purchases the property. The East to West road on the presented concept will end with a cove. It will not be a through street.

**ENGINEERING:** Mr. Michael Morris from the Engineering Department wanted to point out the houses facing Prospect Road would have a way of pulling out onto the lots instead of having to back out into the street. There will be required turnarounds.

Sidewalk Wavier Request: 1405 Old Bridger Road - Grace Point Church of Christ

Carlos Wood of Wood Engineering on behalf of Grace Point Church of Christ is requesting consideration on the MAPC Agenda for a Sidewalk wavier for the new church being built at 1405 Old Bridger Road (See Application for Details/Justification).

[play video](#)

**Attachments:**     [Sidewalk Waiver Application](#)  
                                 [Plans](#)  
                                 [Site Plan and Plat](#)  
                                 [Rendering of Church](#)  
                                 [Aerial View](#)  
                                 [Staff Summary](#)

**APPLICANT:** Mr. Carlos Wood requested a sidewalk waiver for Grace Point Church of Christ located at 1405 Old Bridger Road. Placing a sidewalk on this property would be difficult because of the open ditch at the edge of the property that runs alongside the road. Mr. Woods explained that because of this the church would either have to place the sidewalk on private property or donate additional land to the city for the sidewalk to be built on. The church was uneasy about accepting liability of a public sidewalk.

**STAFF:** Mr. Derrel Smith presented Planning comments. He explained this was another situation where the sidewalk ordinance either requires them to put in the sidewalks or get a waiver from the MAPC.

**APPLICANT:** Mr. Greg Holt from the church said they are uneasy with building the sidewalk on their property. He also explained there were no sidewalks around in the area. He said it would be a sidewalk to nowhere.

**APPLICANT:** Mr. David Gibson from the church said he lives on the property. He said he watched for people walking down the street. According to him there is little pedestrian traffic in this area.

**COMMISSION:** Mr. Kelton asked if a sidewalk was needed for people to get to the building.

**APPLICANT:** Mr. Woods said they would not need a sidewalk to get to the

building.

**COMMISSION:** Mr. Reece asked Ms. Carol Duncan if the applicant would be liable for the sidewalk.

**ATTORNEY:** Ms. Duncan said they would be liable for the sidewalk just like they would be liable for anything that happened on their parking lot.

**COMMISSION:** Mr. Reece stated he felt like it was important for the Board to be consistent in how they determine whether or not to grant sidewalk waivers.

**STAFF:** Mr. Derrel Smith explained that it would be a city sidewalk. The applicant could put the sidewalk in an easement and that would make the city responsible for it.

**COMMISSION:** Mr. Scurlock stated that he would like to see some type of time limit put on this request to give the city some more time to work out some of the issues surrounding the sidewalk ordinances.

**ATTORNEY:** Ms. Carol Duncan stated that she did not think the Board could do that.

**COMMISSION:** Mr. Reece again stressed that he would like to see consistency with these request.

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

**Aye:** 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

Sidewalk Wavier Request: 608 Gladius Drive - C & R Construction

George Hamman with Civilogic on behalf of C & R Construction is requesting on the MAPC Agenda for a Sidewalk Wavier for new commercial building being built at 608 Gladius Drive (See Application for Details/Justification).

[play video](#)

**Attachments:** [Application](#)  
[Plan Set](#)  
[Aerial View of Location](#)  
[Application](#)

**APPLICANT:** Mr. Carol Caldwell requested a sidewalk waiver request for the property located at 608 Gladiolus Drive. The applicant is building a new commercial building at this location. He thinks the elevation of the land on both sides of his property makes building sidewalks for his development pointless. He explained if he were to build sidewalks at this location the sidewalks would run into around a 3 foot hill on both sides of his lot.

**ENGINEERING:** Mr. Michael Morris from the Engineering Department said that sidewalks could be built on the two adjacent lots but it would cost the builders more to put them in. He said that just because it would be more expensive does not mean sidewalks could not be put there.

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

Aye: 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

Preliminary Subdivision Approval: Centre Park Addition Phase 2 - Centerline, LLC

John Easley of Associated Engineering on behalf of Centerline, LLC is requesting Preliminary Subdivision Approval by the MAPC that is located at Browns Lane Access Road that is zone C-3 General Commercial District.

[play video](#)

**Attachments:**     [Site Development Plans](#)  
                              [Application](#)  
                              [Aerial View](#)

**APPLICANT:** Mr. Steve Hails requested site plan approval for phase 2 of the development located on Browns Lane Access Road. The property is zoned C-3.

**ENGINEERING:** Mr. Michael Morris said the developer is putting in a platted street. When they do this it splits the lot into two pieces. Engineering would like for any future subdividing to come back before the MAPC for approval.

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

Aye: 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

Site Plan: 3500 E. Johnson Avenue - First National Bank - Ramsons, Inc.

John Easley of Associated Engineering on behalf of Ramson, Inc. and First National Bank requests MAPC's Site Plan Review and Approval for the new First National Bank, to be located at 3500 E. Johnson Avenue with in the C-3 Commercial District. The development exceed 75,000 square feet, thus requiring MAPC Site Plan Approval. Total square footage is 109,549 square feet, with parking garage being 37,019 square feet and hotel is 72,530 square feet.

[play video](#)

**Attachments:**     [Application](#)  
                              [1st National - Structural Bid Package](#)  
                              [Plans - Site Grading and Site Improvements](#)  
                              [Plans - Under Slab and Foundation Package](#)  
                              [Site Development Plans](#)  
                              [Aerial View](#)

**APPLICANT:** Mr. Steve Hails requested site plan review and approval for the new First National Bank being built at 3500 E. Johnson Ave. The development is going to be larger than 75,000 square feet so the developers had to bring this before the MAPC for approval. He explained it would be a 5 story structure.

The footprint for this development is small for the amount of land the building is being built on. They already have their grading permit.

**COMMISSION:** The Board asked about storm water detention.

**APPLICANT:** Mr. Steve Hails explained the business has plans to put in a nice storm water detention system in the back of the development that will actually detain more than what is required by city code. He considered it a park. He did stress the plans for the water system in the back is subject to change depending on budgetary constraints they may run into while building the structure.

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

**Aye:** 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

Site Plat Approval: Wood Springs Road - Ridgepointe Patio Homes  
George Hamman of Civilogic, Inc. on behalf of Applicant / Agent / Owner Carrol Caldwell request MAPC Site Plan approval for Ridgepointe Patio Homes that is located on Woodsprings Road. Ten units are proposed.

[play video](#)

**Attachments:** [Site Plan Layout](#)  
[Aerial Map of Location](#)  
[Minutes from Meeting 09.12.00](#)  
[Minutes from Meeting 10.10.00](#)  
[Sec 117-164 Municode Language](#)  
[Plat](#)  
[Proposed Plan](#)  
[Info on Property](#)

**APPLICANT:** Mr. Carroll Caldwell requested site plan approval for Ridgepointe Patio Homes located on Woodsprings Road. This development has 10 proposed units. This is the second half of a P.U.D that he started almost 20 years ago. The market has changed so he went from condos to single family homes. It will be a private street with a POA.

**STAFF:** Mr. Derrel Smith presented Planning comments. He pointed out the development is going to bring the street around to connect to Woodsprings Road.

**ENGINEERING:** Mr. Morris asked Mr. Caldwell if he has met with the POA to see if he can use their existing ponds for his storm water.

**APPLICANT:** Mr. Caldwell said he did meet with them and is working on that.

A motion was made by Jim Scurlock, seconded by Rick Stripling, that this matter be Approved. The motion PASSED with the following vote.

**Aye:** 8 - Paul Hcelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

Replat - Right-of-Way Wavier and Lot Size: 1301 and 1311 W. Monroe Avenue - BHB Real Estate, LLC

George Hamman of Civilogic on behalf of BHB Real Estate, LLC is requesting MAPC Approval of a right-of-way wavier on W. Monroe. This request is for the right-of-way to remain on W. Monore 26.92 ft from center of the road and Floyd Street 10, instead of the 60 ft that is required by the Master Street Plan. Since this is requested for the right-of-way this is going to affect lot size causing them to go under the minimum sqare footage. This is located in an R-2 Multi-Family Low Density District.

[play video](#)

**Attachments:** [Replat](#)  
[Replat with No Right Of Way](#)  
[Replat with Right Of Way](#)  
[Aerial View](#)  
[Lot 1 Site Plan](#)  
[Lot 2 Site Plan](#)  
[Lot 3 Site Plan](#)  
[Drawings of them on lots](#)

**APPLICANT:** Mr. George Hamman requested a right-of-way wavier for 1301 and 1311 West Monroe Ave. The request was for the right-of-way to remain on West Monroe 26.92 feet from the center of the road and Floyd Street 10 feet instead of the 60 feet that is required by the Master Street Plan. Since this is requested for the right-of-way this is going to affect lot size causing them to go under the minimum square footage. Mr. Hamman explained that the applicant just wants to replat 3 lots into 3 lots but they will be platted differently.

**ENGINEERING:** Michael Morris of the Engineering Department requested right-of-way be donated which is why one of the lots is now too small to build on. He is happy to donate the right-of-way as long as he will be allowed to build on the lot.

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

**Aye:** 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

## **5. Final Subdivisions**

[play video](#)

Final Subdivision: The Villas at Sage Phase III - Brandon Winters

Carlos Wood of Wood Engineering on behalf of Applicant / Agent / Owner: Brandon Winters requests MAPC Final Approval for 64 lots on 20.09 Acres located on Macedonia Road North of Sage Meadows within the RS-7 Single Family Residential District. This was rezoned and annexed into the city and one of the conditions for subdivision approval before the MAPC.

This has been pulled from this agenda per the applicant.

[play video](#)

**Attachments:**     [Staff Report](#)  
                              [Application](#)  
                              [Subdivision Plans](#)  
                              [Aerial View of Property](#)  
                              [Aerial View of Surrounding Properties](#)  
                              [Pictures](#)

**This was removed from the meeting.**

**Withdrawn**

## **6. Conditional Use**

[play video](#)

Conditional Use: 2404 E. Matthews - Chris Kidd

Chris Kidd is requesting MAPC approval of a Conditional Use for a Self-Service Laundry within the I-1 Industrial District, which is required for retail uses within Section 117-139 of the code. This is located at 2404 E. Matthews.

[play video](#)

**Attachments:**     [Staff Summary](#)  
                              [Application](#)  
                              [Adjoining Property Owner Notifications](#)  
                              [Aerial View](#)  
                              [Letter from Kathy Stallings Buchanan](#)  
                              [Letter](#)  
                              [Site Plan](#)

**APPLICANT:** Mr. Chris Kidd requested MAPC approval of a Conditional Use for a self-service laundry within the I-1 Industrial District. The applicant would like to build this at 2402 East Matthews.

**AUDIENCE:** Mr. Harold Carter was at the meeting to voice his concern regarding this request. He was concerned about how this development would increase crime in the area and the lack of sidewalks and cross walks in the area. He is concerned about people walking down Matthews and trying to cross the street to get to this laundry service. He requested they require the developer to put in a cross walk across Matthews.

Ms. Cathy Buchannan was also at the meeting to voice her concerns regarding this request. She was concerned with crime, parking, lighting and the lack of a full time attendant at the facility. She asked the MAPC not to allow them to be open 24 hours a day. She also wants a worker there all the time.

**APPLICANT:** Mr. Kidd said this was a significant investment for him and one

that he will protect. He will not tolerate crime happening at this location. He will have plenty of lighting on the property. He said he would like to eventually have an employee at the location but would not promise that until after he see how successful the business will be. He said that the business would not be open 24 hours a day. They would like to be open from 6 a.m. to 10 p.m. He would like to get approval to operate from 6 a.m. to 11 p.m. He will install cameras and a security system on the property.

STAFF: Mr. Derrel Smith explained to the Board that they could attach any conditions to this request that they deemed necessary such as hours of operation and lighting.

COMMISSION: Mr. Perkins asked Mr. Kidd to address the issue of parking.

APPLICANT: He said that they were going to put in the amount of parking that is required by city code. He would be agreeable to all of MS. Buchannan's concerns with the exception of the full time employee at the location.

COMMISSION: Mr. Kelton asked how many units they would have in the building for washing and drying.

APPLICANT: Mr. Kidd said 28 washers and 32 dryers.

COMMISSION: Mr. Perkins asked if someone would be there to open and close the business. Mr. Kidd said he could not promise anyone would be there. He could not commit to having a full time employee there all the time.

APPLICANT: Ms. Kidd said that she would be the attendant for the first few months. The intention is to have someone there full time but that will depend on how well the business operates.

COMMISSION: Mr. Scurlock suggested they give the applicant a one year check up and then have the applicant come back before the Board for approval again.

APPLICANT: Mr. Kidd did not like this idea. He was concerned with making this investment and then the Board revoking his conditional use in one year. That leaves him open to losing his entire investment after one year.

COMMISSION: Mr. Perkins and Mr. Reece said the Board should approve or deny the request at that meeting and avoid having the applicant come back within one year.

The Board decided to vote on the conditional use. They voted on the approval of the conditional use with several conditions attached.

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

Aye: 8 - Paul Hoelscher; Ron Kelton; Jerry Reece; Jim Scurlock; Kevin Bailey; Brant Perkins; Jimmy Cooper and Rick Stripling

## 7. Rezoning



[play video](#)

Rezoning: RZ 16-17 3308 S. Caraway - Craighead Commons - Cesar Islas

Cesar Islas is requesting MAPC approval of an Rezoning from C-3 Commercial (P.U.D.) Planned Unit Development District to C-3 Commercial (P.U.D.) Planned Unit Development District for 2.8 Acres of land located at 3308 S. Caraway - Craighead Commons. This was first approved for apartments on September 14, 1999 under the existing PUD. This additional P.U.D. is being increased with 7 new structures comprising 38 new dwelling units is the reason for this additional asking for rezoning.

**Attachments:**

- [Staff Summary](#)
- [Rezoning Application](#)
- [Craighead Commons Site Plan](#)
- [Aerial View with Locations of Buildings](#)
- [Craighead Commons Plan for Space](#)
- [Open Space Requirements](#)
- [Subdivision Application](#)
- [History Info](#)
- [Aerial View of Surroundings](#)
- [Playground Area](#)
- [Traffic Report](#)
- [Attachment A](#)
- [Attachment B](#)
- [Attachment C](#)
- [Apartment Database](#)

**APPLICANT:** Mr. Josh Hurd requested MAPC approval of a rezoning for 3308 South Caraway from C-3 Commercial (P.U.D) Planned Unit Development to C-3 (P.U.D.) Planned Unit Development. The existing PUD was first approved on September 14, 1999. The new request is to allow for 7 new structures consisting of 38 new dwelling units. Mr. Hurd stated this request had been presented to the MAPC a few weeks ago and they requested studies to be done. Those studies have now been done. The studies showed this development would have little impact on traffic. Mr. Hurd went on to explain that he felt like this development would have enough green space to meet the city requirements. However, if there needs to be some changes made in order for the MAPC to approve this development, the applicant is willing to only build 36 new dwelling units and build a park in place of two of the units requested.

**STAFF:** Mr. Derrel Smith presented Planning comments. This development did meet all seven of the criteria Planning looks at when evaluating these requests. If this was approved, Planning did request that one condition be attached to the request.

**ENGINEERING:** Mr. Michael Morris said that the Board may want to include the requirement of a playground in with the one condition Planning attached to this request.

**COMMISSION:** Mr. Reece asked Mr. Hurd who conducted the traffic study.

**APPLICANT:** Mr. Hurd said their company did the study using their employees.

**COMMISSION:** Mr. Scurlock stated that even though the numbers showed this development did have enough green space he interprets that to mean that it has to be workable, continuous green space. When that is applied he does not feel like this development meets that requirement. Mr. Scurlock did say he was impressed with the development.

There was no opposition to this request at the meeting.

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

**Aye:** 5 - Lonnie Roberts Jr.; Paul Hoelscher; Ron Kelton; Jim Scurlock and Jimmy Cooper

**Nay:** 4 - Jerry Reece; Kevin Bailey; Brant Perkins and Rick Stripling

#### **8. Staff Comments**

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#### **9. Adjournment**

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