

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

OPENING REMARKS:

The Planning Commission of the City of Jacksonville, Arkansas met in regular session on August 12, 2019. Chairman Moore opened the meeting at approximately 7:00 p.m. expressing appreciation to those in attendance.

ROLL CALL: Commissioners Patrick Thomas, Gary Sipes, Billy Hall, Jeff Twitty, Dan Brown, and Mark Stroud answered ROLL CALL. Chairman Jim Moore also answered roll call and declared a quorum. PRESENT (6), ABSENT (1).

Others present for the meeting were Public Works Director Jim Oakley, and interested citizens, petitioners, and press.

Chairman Moore accepted Commissioner Stroud as a volunteer on the Board of Adjustment.

CORRECTION AND/OR APPROVAL OF MINUTES: Council Member Sipes moved, seconded by Commissioner Stroud to approve the minutes of the regularly scheduled July 8, 2019 as presented. MOTION CARRIED.

PUBLIC HEARING(S): a. REZONING 6350 T.P. White Drive from C-3 to M-2

Chairman Moore opened the public hearing at approximately 7:04 p.m.

Petitioner Mike Green related that they are proposing to open a manufacturing facility, a brewing company, that is a combination business with a barber shop. He stated that the property needs to be rezoned for manufacturing, because we will be producing 310 gallons per brew. He added that they intend open in the 1500-barrel range, which is 31 gallons per barrel. He then answered that all water issues have been cleared with the Water Department. He reported the only thing lacking is sewage, which they will work with on their own, as far as installing a tank in the back and they will separate any solids before they go into the tank and that will be taken to a pumping station.

Chairman Moore noted that this will keep it from going into our regular wastewater system. He thanked Mr. Green for doing that, noting that it is a big plus.

Commissioner Thomas questioned who is making the request to be rezoned from C-3 to M-2.

Mr. Green stated that the request is coming from the owners of the previous business.

City Clerk noted that she has a letter from the owners authorizing Mr. Green to represent the rezoning request.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Green then answered Commissioner Thomas that he is still in the process of purchasing the property, saying that it is in the hands of the bank now.

With no one to speak in opposition, Chairman Moore closed the public hearing at approximately 7:06 p.m.

Commissioner Thomas moved, seconded by Commissioner Stroud to approve the rezoning as requested, contingent upon the completion of the sale of property, if the sale is not completed the property will remain C-3. MOTION CARRIED.

b. CONDITIONAL USE 201 North First Street

Chairman Moore opened the public hearing at approximately 7:10 p.m.

Mr. Kyle Brockington related that he was recommend to rezone the property from C-2 to C-3 because there has been a conditional use on the property since the 80's for C-3. He explained that every time a different car lot leases the property they have had to come before the Planning Commission for a conditional use.

Chairman Moore stated that the letter is originally requesting a conditional use, which was changed to request a rezoning, which was then changed back to a conditional use.

City Clerk Davitt noted that with advertising consideration, it was put forth as a conditional use. A rezoning would need a longer advertising time.

In response to a question from Chairman Moore, Mr. Brockington noted that his renter is subletting the property to Cedric Bunn who is operating a used car business under the name of Best Ride Auto Sales.

Chairman Moore related that in 2015 a conditional use was granted to Mr. Lugo to operate a used car business on this property. He informed Mr. Brockington that Mr. Lugo cannot sublease the property under his conditional use. Chairman Moore conferred with City Attorney Friedman. He then stated that Mr. Lugo was granted the conditional use in 2015, adding that at the time Mr. Lugo told the Planning Commission that there would only be four vehicles at a time on the property for sale. He stated that there is some confusion because the letter indicates that there are two separate used car sales businesses going on at the property. He then related that Best Ride Auto Sales does not have a City of Jacksonville privilege license to operate a vehicle sales lot.

Commissioner Stroud asked how long Best Ride Auto Sales and Champion Motors been operating at this location.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Cedric Bunn related that Best Ride Auto started in December 2018. He stated that he was never told that he needed to reapply for a conditional use, adding that he only just informed of this information approximately 30 days ago. He stated that from his understanding, he leased the building that Mr. Lugo was buying the property from Mr. Brockington. He stated at this point, they are just trying to figure out what they need to do to keep their business open. He stated that they have been conducting business for approximately 6 months and have a lot of money tied up in financing cars. He stated they are willing to do whatever to keep the business open.

Mr. LeDerick Davis of Champion Motors explained that Xavier Raino is Best Ride Auto Sales. He then concurred that they have been operating for approximately 6 months, saying that they were going to split the lots for tax purposes. He related that he came to get the check off sheet regarding the Fire Department, Wastewater and that is when he learned that they had to have a conditional use because it changed names. He concurred that he was not informed of that when they opened the business. He stated that they were under the assumption that they could go in straight in under Mr. Lugo and basically just get the bond and insurance, along with approval from the State Trooper's office. He stated that they want to continue to do their business in Jacksonville.

Commissioner Stroud questioned if they are planning to split the lots.

Mr. Davis concurred, explaining that he means they split the names for tax purposes, adding that he did not want everything to be under his brother's name. He stated that it would be the same amount of cars but under two names, he added that they are open to reducing the number of cars. He then further added that they are open to doing anything they can to stay at this location.

Mr. Bunn related that they have a State license and Best Ride was opened with his partner Xavier in Jacksonville and they like the area and are doing a good business.

Chairman Moore related that he researched the Pulaski County records and was not able to find a rent-to-own document on file.

Mr. Bockington clarified that there is not one on file.

Chairman Moore pointed out that there are two car lots that are told that they can operate under Mr. Lugo, when we do not have any proof that Mr. Lugo is conducting business there as the potential owner of the property and subletting. He stated that the only thing available in the records it shows is that Mr. Lugo is supposedly leasing the property. He went on to say that we have two businesses that are operating 6 months without a City privilege license and Mr. Lugo knows that there has to be a City privilege license to operate.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Bunn stated that when he came to the City to obtain a City license he learned that he would have to get a conditional use to operate as a used auto sales at this location.

Commissioner Stroud questioned if the car lot has been using the adjacent church parking lot to park vehicles.

Mr. Bunn stated that the pastor had given them permission to use the parking lot on any days but Wednesday or Sunday when it would be used for church services. He then explained that the only time they use the parking lot is when they get cars from the auction and are moving vehicles around on the lot to reorganize.

Mr. Davis concurred, adding that they are not parking cars on the adjacent lot for sale.

Commissioner Stroud questioned if they park on Short Street located behind the lot.

Mr. Bunn responded that they do not park any cars on that street for sale. He then added that some time customers park on the Street, he assured Commission Stroud that they do not park cars from the car lot there. He stated that they are willing to follow any rules set forth for them to stay in business.

Commissioner Stroud questioned if they were aware that the mail truck has to park on Hwy. 161 to deliver their mail because the lot is so full he cannot pull onto the lot.

Mr. Bunn responded that the mail carrier has never complained to them about that but if they need to move the cars back for more room they would be willing to do so. He then answered that none of the vehicles are parked over the white line in the right-of-way.

Commission Thomas stated that he would like to clarify that Short Street is no longer a City street, so at worse case it might be parking on someone else's property. He stated that no one should be driving through there because it is no longer a street. He stated that since it is a closed street any parking is not impeding traffic, adding that there should be a sign identifying the area as a closed street.

Mr. Bunn reiterated his desire to follow any rules given to them, saying that he feels they are a good asset to the community, noting that a lot of people come to the City to do business with them.

In response to a question from Chairman Moore, Mr. Bunn stated they do not do maintenance work on the car lot. He then explained that they currently have a Mustang that has the motor out because it blew up on the way back and a dealership is coming to tow the car for repairs. He reiterated that they do not do any mechanic work on the lot.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Davis clarified that their mechanic is just down the street from their business.

Commissioner Thomas stated that he believes the only thing they are lacking is a business permit and he feels that can be corrected. He added that it is not unusual for car dealers to have multiple dealers in one location. He stated that he had spoken to the Arkansas State Police and they do not care if the car dealers share the same desk, if they have a dealer's license in the State of Arkansas. He added that he is unaware of any law or statutes that would prohibit that.

Commissioner Stroud questioned, and Public Works Director Jim Oakley answered that while it varies, normally the street right-of-way from the center line is 60'.

Chairman Moore opened the floor for opposition to speak at approximately 7:27 p.m.

Barbara Mashburn of the Jacksonville Historical District stated that they are asking that the car lot at 201 North First Street not be granted a conditional use. She pointed out that they have not obeyed the laws since they have been opened. She stated that City Code 213 allows only one car per 100 square feet, so that would mean only 3 to 4 cars on the lot - not 15 to 20, and certainly not parked on Short Street that was closed by the City Council on January 15, 2015. She referenced a copy of Ordinance 1521 closing Short Street and a letter from Mayor Johnson to this effect. This is where the Historical District plans to build a replica of the Train Depot for the citizens of Jacksonville.

"We have already laid out the stakes and ribbons so we know where the building will go but if cars continue to park on this road then we will have to redo this process again and it takes time and money. So not only have they parked their cars on this road that does not belong to them, they quite possibly have destroyed the work that has been done this far for the Train Depot.

The earliest records I have found was in 1933 that showed there was a service station where the car lot is now, but a 1950 map shows nothing there. I know in the past years there has been a car lot there, it was a nice suitable car-lot, but stood empty for a very long time, not one in which the owner lived on the premises or worked on cars or parked their cars too close to the road, as we have seen this owner do.

I know that Code Enforcement has been called several times but still nothing has been accomplished, they still do what they want, by not following the rules of this City.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

As a Councilman, I personally think this is unacceptable and they should not be allowed to sell cars in the Historical district, as a founder of the Jacksonville Historical District, I will fight to keep our historic heritage intact, the way it should be for future generations. I do not ask for much - just one question, why is this car lot able to continue breaking the laws of this City and nothing is being done to stop them? Please vote to not approve the conditional use for this car lot."

Council Member Sipes asked City Attorney Friedman if regarding a designated historical district, he is aware there are very stringent rules and regulations, does this car lot fit into those rules and regulations of a historical district?

City Attorney Friedman stated that she has talked to Barbra Mashburn briefly about this, but she is aware that the area that has been designated to go to the Historical District is off limits for their parking. As far as the lot being next to it, I do not have the answer for that. She stated that she did want to clarify the one thing about the parking and the Code 213 mentioned the required parking space as opposed to a storage space for the parked cars. So the required parking, the way I interpret it, is if you have X number of square feet you have to have a certain number of parking spaces for your customers as opposed to having storage spaces for parked cars that are for sale.

Barbara Mashburn stated that she still does not believe they have enough space for their cars that they are selling.

City Attorney Friedman stated that she is not arguing that point, adding that she believes the point about the Historical District is valid and does need to be addressed.

In response to a question from Chairman Moore, Barbra Mashburn replied that the proposed Train Depot is going to be by the beginning of what was Short Street. She then pointed out that there is a map of the Historical District included in the packet.

Chairman Moore described a photograph he is reviewing, stating that not only are the cars encroaching on the Hwy. easement but also the Historical District because cars are parked around the historical sign that indicates that as a Historical District. He added that there is a car parked in the Historical District. He pointed out that there were other photos that show dealer cars parked in the church parking lot along with other photos that showed one weekend cars were parked in the Historical District area, which is not a street anymore.

Barbara Mashburn stated that they have worked very hard since 2014 to bring this about, adding that this is for the City and for the citizens who deserve this.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Commissioner Brown stated that he is not sure everyone has an understanding of the Historical District and what the rules are. He related that after listening to the gentlemen he feels the only person they dealt with was a Mr. Lugo and they were not given proper explanation regarding the requirements upfront. He added that he has some serious concerns regarding the communications and the lack of understanding.

Barbara Mashburn stated that the Historical District has strict rules, clarifying that it became a Historical District and started in 1870, saying that you would have to go all the way back to 1870. She stated that when you put stores and store fronts like we have down First and Second Streets on the Historical Register, there are certain guidelines that you have to go by and if you do go by those guidelines then you can no longer be on the Historical Register. She reminded everyone that this was Main Street back early 1900's.

City Attorney Friedman stated that to clarify, where this car lot sits - that is in the Historical District, not on the outside.

Barbara Mashburn concurred.

Chairman Moore pointed out that the church is also in the Historical District.

Commissioner Thomas questioned Mr. Brockington and he answered that he has owned the property since approximately 1990 and the only businesses on the property since he has owned it has been used car lots. He then answered that the longest time the property was vacant may have been around two or three years after he retired.

Mr. Brockington stated that he would like to make one point about the Historical District; when the street was closed, as an adjacent property, ownership of the closed street to the middle line goes to the adjacent property owner. He stated that he was asked if he would sign over his rights to the property up to the middle of the street for the Historical District and I did, I was trying to help them. He added that maybe now it might have been a mistake.

Commissioner Thomas questioned if it was Mr. Brockington's understanding that his property was grandfathered in when the boundaries of the Historical District were adopted.

Mr. Brockington concurred.

City Attorney Friedman noted that Mr. Brockington stated that there was a two to three-year period when the property was not being operated as a car lot, questioning if the property was vacant.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Brockington stated that it was vacant, adding that it may not have been as long as two or three years, saying that he could not exactly recall.

City Attorney Friedman stated that she has the Ordinance that closed down Short Street for the use of the Historical District, questioning if Barbara Mashburn has any documentation regarding the requirements for these businesses that within the Historical District.

Barbara Mashburn stated that she does not have them with her.

Commissioner Thomas stated that he agrees that there is a perception that there are too many cars on the lot and there may be some trespassing on the closed street. He added that the property is probably most likely only suited for Kool-Aid, tomatoes, and cars to be sold unless someone wants to buy the property from Mr. Brockington; I would support Mr. Brockington continue to use his property for which it has been used in all these years regardless of whether it ever sat idle for a year or two. This body is not a law enforcement body.

In response to a comment from Chairman Moore, Mr. Brockington stated that sometime in the future, the City might be interested in buying the property for the Historical District.

Commissioner Thomas continued saying that it is not for the Planning Commission to determine whether or not he is violating the laws, that is for the Code Enforcement and Jacksonville Police Department. He added that if there are some cars that are trespassing or too many cars violating City Code, that is for others to enforce. He stated that the question at hand tonight is do we want to approve or deny a conditional use. He stated that he has no problem with it being a conditional use for which it is only intended or possibly can be used for.

Chairman Moore closed the public hearing at approximately 7:40 p.m.

Commissioner Stroud stated that our job is to look 20 years ahead as to what is conducive to the growth of Jacksonville. He related that the Historical District was set up with an idea to build a train station behind this car lot. He stated that maybe a Kool-Aid stand would work, or an ice cream stand; the fact is that the car lot is not conducive, in my estimation, going forward as a Planning Commissioner to what we are wanting to do as a Historical District there. It has actually outgrown what initially started, it is encroaching in areas that we would never would have believed. Commissioner Stroud stated that he would make a motion to deny for four reasons: 1) six months without a permit; 2) the cars were encroaching on the right-of-ways, both sides Short Street and Hwy. 161; 3) I do not feel it is right to put the mailman's life in jeopardy because he has to park on Hwy. 161

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

because there are too many cars, we do not have anything that says you can have X number of cars in certain areas, but I do see this going the wrong way; 4) Historical District sign was covered up by these cars, they are sitting on green space not on paved parking spaces. He added that as a Planning Commissioner it is his job to look down the road and he does not see this fitting the Historical District, nor if we build the train station behind here, this being conducive to this area.

Commissioner Stroud moved to deny the conditional use at 201 North First Street.

Commissioner Thomas interjected that before the motion is seconded, he would like to point out the request is not to rezone the property, it is simply for a conditional use.

Commissioner Stroud restated his motion to deny the conditional use at 201 North First Street. Council Member Sipes seconded the motion.

Chairman Moore opened the floor for further discussion among the Commissioners.

Commissioner Thomas stated that unless the City is prepared to buy this property from Mr. Brockington, we should allow him to continue to use for which he has been using it for all these years. He added that he doesn't believe the City is in any financial position to purchase this property. He stated he is arguing for Mr. Brockington as if it were his own property, adding that the hopes each the Commissioners would do the same. He stated that he may have some "boneheads" for tenants that do not understand the laws but Mr. Brockington is still a tax paying citizen in this town. He is entitled to have a piece of investment property to make whatever little money he can. He stated that Mr. Brockington is just wanting his tenants to continue on until the Historical District is going to do whatever it is going to do. He went on to say that he has not seen any plans come before the Planning Commission for what the Historical District wants to do. I know we have approved the train depot but we are here to discuss a conditional use.

Commissioner Stroud stated that Mr. Brockington is not being deprived use of his property, he is asking for a conditional use. He clarified that he is saying use the property for what it is zoned now because the motion on the floor is to deny the conditional use. He added that we are saying no more conditional use because it has been violated; but use it for what it was initially intended to be used for. He can put something else on there but not a conditional use.

CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.

City Attorney Friedman read a portion of Jacksonville Municipal Code 18.80.060.

Abandonment:

"Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished." She continued saying that she interprets this to mean that whenever he gave up his business and retired for two to three years, that nonconforming use was discontinued and shall not be reestablished.

Chairman Moore emphasized this is the legal determination by our City Attorney.

Council Member Sipes commented that if the business was shut down for two years it would nullify the conditional use. He stated that he feels that the owner should have explained to Mr. Davis and Mr. Bunn; saying that he feels they are the victims here.

At this time a ROLL CALL VOTE WAS TAKEN. Commissioners Sipes voted AYE. Commissioners Thomas and Hall voted NAY.

When voice vote for Commissioner Twitty was called he asked for clarification if from a legal standpoint that it cannot be reinstated or reestablished as prior use.

City Attorney Friedman concurred, saying that the way it is worded whenever a non-conforming use has been discontinued for over a year, that same use cannot be reestablished. She read that any future use shall be in conformity with the provision of the ordinance.

18.80.060 Abandonment

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of the ordinance codified herein. This section shall not apply to trailer houses, where the regulation shall be as follows:

When a nonconforming trailer moves from such lot, it shall be considered immediately abandoned and shall not be replaced with another house trailer or re-established for trailer use. (Ord. 213 Sec. 405, 1969)

ROLL CALL CONTINUED:

Commissioner Twitty and Stroud voted Aye. Commissioner Brown voted NAY. AYE (3); NAY (3).

Commissioner Thomas stated that if it is a tie the benefit should go to Mr. Brockington.

Commissioner Stroud stated that he would say that if we have a tie the benefit should go to the City.

Mr. Ross Cox approached for a question: Chairman Moore allowed him to speak.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Cox stated that he owns several businesses, saying that he has trouble bringing business to Jacksonville because of the same stuff right here. He related that he has picked up trash on that side of Jacksonville and nobody is keeping the Historical District clean. He stated that businesses could police and call 911 if anyone was trying to destroy it. He stated that he and these gentlemen want to build up the City and support the history of our town. He stated that as far as the mailman thing, the car lot could get a post office box and take the mailman out of jeopardy. He went on to say that as far as the parking, they have permission from the pastor. He stated we need to build our town or else we will end up like towns where there is nothing downtown. He stated that he moved his business out of town because he had more violations from Code Enforcement than customers. He stated that he has a car lot outside the City limits. He stated that if anyone is ignorant of the law, just make them aware of it, no mistake is conducive to this argument.

Chairman Moore clarified with Mr. Cox that he is not the pastor of the church next door and that he has moved his business outside the City, questioning how that is bringing revenue to the City.

Mr. Cox stated that from where he attends AA meetings he can see this business and has observed them selling as much as five cars in one day. He stated that he has been to every meeting in Jacksonville at 12:30 in Jacksonville for the last nine months and he has never seen anything amiss going on at that business. He added that he has watch because he sells cars. He stated that as far as the Historical District; we need to know the rules.

Mr. Bunn explained that three years ago he moved his family to Jacksonville in the North Lake Subdivision solely because of the car lot. He stated that he has a lot invested in the car lot, and his family is a part of the community and his kids go to school in Jacksonville which all happened because of the car lot. He reiterated that they would not have any problem following any rules they need to follow they would like to stay in business and be able to sell cars. He went on to say that from his understanding everyone around them had never had any complaints. He cited the local businesses they do business with and how the pastor came to bring them next door to get a plate of food. He noted that they have a good relationship with the church next door. He stated that since being told by Code Enforcement not to park cars on the rear street they have not parked any cars there. He stated that basically this car lot is his life and how he provides for his family.

Mr. Davis thanked the Commission, he then thanked Barbara for her passion regarding the Historical District. He related that he understands how important it is to preserve that for the future. He then related that he moved to Jacksonville straight out of college, had a passion for selling cars, and this how I provide for my family.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

He stated that they have cleaned up trash on the outside of the road. He stated that they have purchases passes for underprivileged kids to use the Splash Zone throughout the Summer. He stated that they are trying to have a positive imprint on this community, adding that they are not doing anything negative or taking anything away from anybody. He reiterated that they just want to continue to do business at their current location. He pointed out that they were never informed of any of the rules or regulations and if informed we would have no problem with complying.

Mr. Brockington stated that he is trying to recall back to when the property was vacant and it may not have been vacant for more than a year. He added that he felt it would be easily enough to check on the City records when his last business license was and when Mr. Lugo was issued a privilege tax to operate a car lot.

In response to a question from Commissioner Brown, Mr. Bunn replied that the first time they were aware of any violations was when Mr. Davis went to City Hall to apply for his business license. He stated that they were told about how to apply for a conditional use, adding they were only informed within the last couple of weeks. He stated that other than that, they have never been informed of any other stipulations.

Commissioner Stroud related a visits and conversation with Mr. Bunn and Mr. Davis at the car lot, explaining that they talked about conditional use and their understanding was that it would have to be done yearly.

Mr. Bunn related that when he spoke with Commissioner Stroud onsite, he was told that he was there to get information and take pictures. He stated that the day Commissioner Stroud came, he told him that the cars were being moved around so when you took a picture of the truck that was in the church parking lot it was actually just being moved around. He stated that he asked Commissioner Stroud if there was something they are doing anything wrong and if he had been given such information they could have started operating better.

Commissioner Stroud stated that he observed a car parked on Short Street and questioned Mr. Bunn who told him it was a customer's car but there were no customers on the lot. He then related he took a picture of the mailman delivering the mail.

Mr. Bunn stated that the day that Commissioner Stroud came was a day they were busy with reorganizing the lot because they just got cars from the auction. He then reported that they get FedEx packages every day and they have never had a problem or any complaints.

Commissioner Stroud questioned if Mr. Bunn feels the parking lot is too full for a customer to park on the lot while shopping for cars.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Mr. Bunn explained that he sold three cars today and the customer was able to pull onto the parking lot. He went on to say that if they need to park the cars a certain way to allow customer to come in they would be willing to do that.

Mr. Davis stated that they would also be willing to downsize if that is what is required.

Mr. Bunn and Mr. Davis concurred with Commission Brown that if they are made aware of the rules and regulations they would be willing to operate within those guidelines.

Mr. Bunn and Mr. Davis reiterated that they are heavily invested in the car lot and this would cost them everything if the conditional use is not granted.

Commissioner Thomas related that when he first went into business he was told the City would be around to arrange for his business license, saying that he got tired of waiting and went and obtain it himself which is the same situation of these guys.

Commissioner Stroud stated that he had a business for 20 years in three separate locations, as a business owner he knew he had to take pride in the City. He added that he understands that this location is not the only location to have a car lot, there are plenty of locations where they can have a car lot. He stated that with the opportunities they have availed themselves of and made selling cars, they can have a great car lot anywhere they decide to have a car lot. He related that as a Planning Commissioner, I am looking at the City as whole, where we are at and where we are headed. He added that our job as Planning Commissioners is to make sure that 20 years down the road we do not regret decisions we make today. He stated that the is supportive of Mr. Davis and Mr. Bunn, but this is a C-3 property and they are asking for something different. He stated that at this particular juncture he does not feel it is conducive to the City of Jacksonville to move forward with giving conditional uses to a property that unique in shape but it is more suited for C-3 of some other type. He stated that we are not here to grant a conditional with conditions, that is not what we are here to do. He went on to say that we could not tell them that they are limited to 20 cars because that is not our job. He said this property is not conducive to a conditional use. He said while he supports them, right now from his perspective, the City does not look to gain with the Historical District and what we are planning on doing in that area.

Commissioner Twitty questioned if they had looked anywhere else in town.

Mr. Bunn stated that they have all their investments tied to this car lot. He related all the difficulties with having to move the business.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Chairman Moore stated that he wanted to remind the Commissioners that City Attorney Friedman has said when you look at Code 213 you have to go by the Code. He stated that he is closing the conversation.

Chairman Moore called for a revote.

Commissioner Stroud moved, seconded by Council Member Sipes to deny the request for a conditional use for a car lot at 201 North First Street. Commissioners Sipes, Twitty, and Stroud voted AYE. Commissioners Thomas, Hall, and Brown voted NAY. AYE (3) NAY (3). Chairman Moore stated that considering the legal advice of the City Attorney, he has no choice but to vote AYE. MOTION CARRIED.

c. CONDITIONAL USE 880 North Redmond Road

Chairman Moore asked Ms. Renee Green, representing owner Stephen E. Whitwell, President of Parkway, Inc. to explain her proposed plans for the property. He stated that while it says a conditional use, the Planning Commission does not have to give a conditional use because this falls under the nonconforming clause in the Code. He continued stated that the Code says that the business was not closed down for a year. He asked her to share her plans.

Ms. Green offered the members a brochure, highlighting her business as an afterschool care and summer care facility for school age special needs children. She stated that she is requesting a conditional use permit. She stated that her business is a 501(C)3 nonprofit named Adam's Clubhouse. She related that her son Adam, is a special needs child. She explained that when her son started school she learned that there is no afterschool or summer care for school age children with special needs, so she started her own daycare. She related that her son's life expectancy was 2 and he is now 10. She said that she has been working on this for four years now, requesting that she be able to use the property for Adam's Clubhouse.

Chairman Moore noted that the property had only been vacant for approximately 7 months.

She then answered Chairman Moore, that she had done several updates and improvements to the building to bring it up to Code and outside of the building regarding equipment and a sensory garden.

Chairman Moore told Ms. Green that she could see Manny Browder, the person who would issue her business license tomorrow morning because a conditional use is not required.

d. REZONING 1900 General Samuels

Chairman Moore explained that he first started working with Christopher Homes back in May at the request of Mayor Johnson. He further explained that the property is City property owned by the City

CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.

for "eons", located off General Samuels Road just past the Credit Union and two mechanical type businesses. He continued saying that this property consists of 6 acres that is zoned M-2. He stated that the Chamber of Commerce Foundation was tasked by the City to try to get industrial type facilities in there, to no avail, it has not happened. He related that he had talked to Mike Wilson of the Foundation, who agree that the land owned by the City needs to be used, try to attract places like what is being proposed. He stated that Christopher Homes is proposing to develop this property.

Mr. Daryl Odom, architect representing Christopher Homes of Arkansas, explained that it is a ministry of the Catholic Diocese of Arkansas. He related that Christopher Homes has 27 elderly HUD subsidized housing projects around the State, which they do as a ministry and is not a for-profit entity. He stated that Christopher Homes sees a need for housing units regarding 55-plus in the area around Jacksonville, where the rents are guaranteed to be approximately 28 or 30% of their income. He stated that HUD loves that these guy reinvest in the properties and maintain the properties. He went on to say that the units are energy efficient. He added that HUD continues to give Christopher Homes more properties that are failing because Christopher Homes is in it for the people, they are not in it for the cash flow. He stated that they are proposing to build a 20-unit project that they believe HUD will approve and fund. He added that one requirement is that the property be zoned for its proposed use.

Chairman Moore noted that the request is to rezone the property from an M-2 to an R-3, he added that it has been checked out by City Attorney Friedman.

Mr. Odom then confirmed that there would be 20-one-bedroom units with a manager unit and a community building with a laundry, adding that there will also be wash and dryer connections in each unit.

He then answered Commissioner Stroud that Christopher Homes of Arkansas was founded by the Catholic Diocese.

Commissioner Stroud noted that the St. Jude's Catholic Church has a lot of land adjacent, questioning if they looking at development of that land.

Mr. Odom stated that initially they were proposing to have this development beside St. Jude's and Father Andy supported that but then retired and the new pastor is hesitant to sell off the 2.1 acres required of the 10 acres they have there at this time. He related that they then located a site in Lonoke, noting they have an August 27th deadline, but they like Jacksonville because there is more support for the elderly here. He noted that the property owned by the City was available and they came back to Jacksonville, which was our first choice. He related that this property appears to be able to work for us versus the Catholic Church property for their own reasons.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Commissioner Stroud pointed out that the property on General Samuels would make them an island because they would be surrounded by commercial property.

Mr. Odom concurred, adding that they are find with those perimeters. He noted that across the street there is an office products business.

Chairman Moore stated that they are looking at the first 2.5 acres just past the machine shop business on General Samuels.

Commissioner Stroud noted that this property has been set aside by the City for industry, voicing concerns for piece milling the property and its repercussions down the road. He noted there are businesses already in the area that are considering expanding, pointing out that the elderly complex could become an island among industry businesses. He then stated that it would be great if you could make this development happen at St. Jude's.

Chairman Moore stated that even the Mayor called the Bishop and the real estate person at the Catholic Diocese who flatly said no. He stated that he went with them at the Mayor's request and searched for other property in Jacksonville and this is actually better fitted for them.

Commissioner Stroud stated that the redeeming quality is that this property is on a main road. He then complimented the design and layout of the development.

Chairman Moore stated that the Mayor and Mike Wilson are in support of starting to use the land to bring other things into Jacksonville. He pointed out that we have some industry area on Redmond Road. He stated that this property is probably the best fit for them, noting that the deadline to submit the paperwork is midnight August 27th to be able to get a grant from HUD. He noted that this is a different grant than the development on Loop and Military Roads.

In response to a question from Commissioner Thomas, Mr. Odom stated that the property has not been purchased yet, explaining that the purchase is contingent upon HUD approval which requires the zoning to be in place. He then answered that he is not directly involved in the price but his understanding is it is priced \$10,000 per acre.

Chairman Moore concurred, reiterating that it is \$10,000 per acre, which is basically what the land across the street was sold for. This is approximately \$21,000 total. He then answered Commissioner Thomas that the City will benefit financially, and Christopher Homes will own the 2.5 acres once the HUD grant is approved. He invited the Commission to look at other properties developed by Christopher Homes. He then explained that the rear part of this property is the utility Entergy lines, adding that the property has already been surveyed.

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.**

Commissioner Stroud moved to approve the rezoning of 1900 General Samuels Road as requested.

Commissioner Thomas questioned if the motion should contain the contingency that if they do not move forward with the project, then the zoning reverts to M-2.

Chairman Moore stated that the property has to be rezoned in order for Christopher Homes to submit the paperwork for their grant. He noted that he has been working with Christopher Homes since May 21st gathering the information they need in order to move forward, should it not happen, we can always rezone it back to M-2.

Commissioner Hall seconded the motion. MOTION CARRIED.

Chairman Moore introduced Pastor Wetzel.

Pastor Kurt Wetzel of Jacksonville Christian Fellowship Church related that they have been in the City for approximately 35 years on Loop Road. He then explained that at the first part of the year, they completed the sale of their building and are now proposing to build their Church at 5312 General Samuels Road.

Chairman Moore stated that this is not coming before the Planning Commission at this time but he wanted Pastor Wetzel to come and explain the current situation. He explained that there was some land that was swopped to Sherwood because the land he is talking about; our water line goes along the road. He added that CAW furnishes the water for Sherwood, and the City Council has approved the swop of some land so that this land comes back into Jacksonville, that way we can offer him water. He then related that the results of a meeting with CAW and Jacksonville Water it was agreed that Jacksonville would offer this property water at 1.5 to 1 water rate so they can go ahead and pour the slab and the building is coming in sometime this week or next week.

Pastor Wetzel clarified that it will be the first part of next week when the slab is put in and the building is actually being delivered the first week in September.

Chairman Moore stated that a letter would be presented that allows CAW and Jacksonville Water to do 1.5 to 1, which means the church will have to pay the 1.5 rate until the final land has been agreed to by Jacksonville and Sherwood.

Pastor Wetzel questioned what this would mean regarding the building permit. He continued asking if the permit would be able to be issued.

City Attorney Friedman stated that the property is not in the Jacksonville City limits currently.

CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
AUGUST 12, 2019
7:00 P.M. - 8:04 P.M.

Chairman Moore said that it is not in Jacksonville yet and the City cannot issue a building permit until the land is in Jacksonville but Sherwood has agreed and CAW has agreed, so there should not be a problem.

Pastor Wetzel questioned if there would be a problem with them pouring the slab next week.

Commissioner Thomas stated that would be between you and Sherwood.

Chairman Moore concurred.

Pastor Wetzel commented that is not good.

Chairman Moore stated that we will talk about it, saying that currently it is still in Sherwood even though everyone has agreed to the swop. He offered to get with Mayor Johnson tomorrow and see.

Pastor Wetzel commented that there is a \$75,000.00 building that is going to be delivered.

REQUEST TO APPROVE PLAT(S):

BUILDING PERMIT(S):

ADJOURNMENT: Chairman Moore without objection; adjourned the meeting at approximately 7:35 p.m.

Respectfully submitted,

Susan L. Davitt