

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
MARCH 14, 2022
6:30 P.M. - 7:35 P.M.**

OPENING REMARKS:

The Planning Commission of the City of Jacksonville, Arkansas met in a regular session on March 14, 2022. Chairman Moore opened the meeting at approximately 6:30 p.m. expressing appreciation to those in attendance.

ROLL CALL: Commissioners Mike Dietz, William Montgomery, Billy Hall, Jeff Twitty, Dan Brown, Greg Bollen, and Chairman Jim Moore were present and answered ROLL CALL. Chairman Moore declared a quorum. Commissioner Vivian Brittenum arrived at approximately 6:36 p.m. PRESENT (8) with Chair, ABSENT (1).

CORRECTION AND/OR APPROVAL OF MINUTES: Commissioner Montgomery moved, seconded by Commissioner Bollen to approve the minutes of July 12, 2021, August 9, 2021, and September 13, 2021 as presented. MOTION CARRIED.

PUBLIC HEARING(S):

REQUEST TO APPROVE PLAT(S): a. REPLAT Pine Creek Subdivision

Chairman Moore stated the houses are now situated into different areas and the entrance into this subdivision will now be a driveway coming off of Northeastern Avenue, and not a street, to service the six houses. He explained on the back part, house number five and six will have driveway entrances from Natchez Trace. He instructed the Commissioners to mark it on the plat as a reminder since it is not shown on it currently. He detailed that you would turn on Tecumseh Trail from T. P. White Drive, then make a right to go to Quapaw Trail, and that is where the two driveways will come off of Natchez Trace. He wished the Commission had that portrayed on the plat, but unfortunately, they do not. He reiterated it will be a shared driveway off of Northeastern Avenue, which means that Sanitation will have to be picked up on Northeastern Avenue right outside the property line.

Representative Tim Lemons with Lemons Engineering stated the new copies that were handed out had only a couple of small, bookkeeping changes, such as since the lots are situated in the flood zone, they had to add the letter "F" to each one of them. He assured the orientation and shape of the lots have not changed from what was in the packets.

Chairman Moore reminded the Commissioners to look at the rear and front setbacks and then mentioned electrical lines that run through the middle of the property.

Mr. Lemons related they were here last month for the public hearing on the P.U.D. and detailed that the plan had ten proposed houses. He explained that since they had some opposition, he spoke with the petitioner, Johan Adinehkharrat, and came up with a much less dense project, going from ten houses down to six. He shared this is their attempt to do something with the property without making it too dense

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and they did ask the City to table the P.U.D. for the present time, since they felt like this new plan was more appealing to everyone. He noted that each one of these lots exceed the minimum lot size of 8,400 square feet for R-0 zoning, with each of them averaging 11,000-12,000 square feet. He clarified they will have one driveway, not four, that Lots 1-4 will share coming off of Northeastern Avenue, the maintenance of it will be accommodated in the Bill of Assurance, and it will not be City-maintained. He added Lots 5 and 6 will have private driveways that come off of Tecumseh Trail. He pointed out sewer does exist on the property and their plan to run about 300 feet of line has been submitted to the Wastewater Commission. He stated water does exist on both sides of the property and they will only need meters set. He plans on relocating or burying the electrical lines that were mentioned.

Chairman Moore suggested that burying them would be better because of the flooding and shared he would make it contingent they properly shield the electrical so they are not hanging over houses or yards if they happen to fall.

Mr. Lemons assured they have not really thought about putting in poles, but they do plan on putting the lines underground. When Commissioner Montgomery asked, he replied the property is right at 1.6 acres for 6 houses. He added that most lots in the City of Jacksonville are 75'x100', totaling 7500-8000 square feet, and their lots are much bigger than that. When Commissioner Twitty inquired about the driveway in from Northeastern Avenue that will service four of the houses, he clarified they could have put a driveway for Lot 1 and 4, and then have a common driveway for 2 and 3, but he spoke to the petitioner and suggested it might decrease the congestion on Northeastern Avenue by sharing the driveway.

Commissioner Montgomery asked if the driveway that is going on Northeastern Avenue is where the driveway was for the previous house.

Mr. Lemons responded it is 40' further north of that existing driveway. He explained the old driveway is the trapezoid shown on the plat that is close to Lot 4F along Northeastern Avenue. He wanted to point out they will now only be bringing four vehicles out onto Northeastern Avenue, when their previous plan would have been ten.

Chairman Moore asked if the homes will be sold or rented and it was confirmed they will be rental properties.

Roy Hart of 5 Foxwood Cove stated he is a 31-year resident of Jacksonville and explained the ditch that carries all of the water from the other side of the highway goes right behind his house. He

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noted the ditch floods about ten times a year and the water comes right up to the corner of his property and also washes out the sturdy concrete and brick bridges on the golf course. He stressed the water comes through very fast and hard and then asked if it is true the lots have to be raised since they are in the floodplain.

Council Member Dietz clarified that per an ordinance that City Council passed about four months ago, anything built in the floodplain and any existing houses in the floodplain that are adding on, has to have their finished floor be two feet above the floodplain.

Mr. Hart replied when the property is raised, it is going to change the whole water situation; if you add another drop of water to that ditch, it will flood his property. He pointed out if you are on T. P. White going north towards Cabot, just before you make the hard right turn back onto Northeastern Avenue, the line of the highway is the edge of the highway, which leads to an eight-foot ditch. He suggested before they start building things two feet above the floodplain, they need to fix that road since it is a fatal accident waiting to happen.

Jeff Rawdon stated he lives at the corner of Natchez Trace and Quapaw Trail, which is right behind the houses that are getting built and is right where the driveways will go for two of the proposed houses, number 5 and 6. He mentioned that it poses a problem and when it comes to the water, if you have to raise it up, it has to find some place to go. He affirmed he gets enough water in and through his yard already and this could add more burden to it. He understands the owner's right to do what he wants, but this would really impact everyone in the neighborhood in a detrimental way. He noted one house on each side would be built up, but still leave a flood area, but if you put six houses up, you are building up the whole area and raising the flood.

Commissioner Twitty agreed it is a flood area that holds a lot of water and whenever you build something up, you redirect that water where it could go to people's homes.

A female from the audience mentioned protected land and Mr. Rawdon responded it is back behind this, but it would flood the water back into the property near the golf course where the ducks are around Holland Bottoms. He believes this plan needs a better look at the water part of it because it is really going to hurt a lot of the surrounding neighbors.

Engineering Tech Mylissa Griggs stated the handouts being given are just a list of the City's contingencies should the Planning Commission make a motion on it. She affirmed the floodplain area is definitely a huge concern for the City and she confirmed the finished floor elevation is what they require to be two feet above. She acknowledged they do have grading options and affirmed they do have to provide the City with a Floodplain Development Permit application and a No-Rise

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Certification for FEMA in order to approve. She added the City would have to have it mentioned in the Bill of Assurance that the sanitation would be picked up on Northeastern Avenue and also who will be responsible for maintaining the driveway. She noted water and sewer approvals are still pending and the petitioner does have a note saying the electrical lines need to be relocated.

Council Member Dietz asked are the people renting these homes in the back going to wheel their carts all the way to Northeastern Avenue for pickup, because some do not even do it now being only 35 feet from the curb, and they are overflowing.

Public Works Director Jim Oakley stated we do have a couple of flag lots in town that bring their cans down and they have not had an issue with it, but there is a point to be made with that. When Commissioner Hall asked him how can the City enforce their private driveway maintenance, he was unsure but surmised that it would be on their Bill of Assurance.

Chairman Moore shared from his experience of being President of the Stonewall Homeowner's Association, a lot of times trashcans are left outside, vehicles hit them, they fall down in the wind and scatter trash everywhere, but also if you do not have a good Bill of Assurance and do not have someone who is going to enforce it, then you are wasting your time.

Commissioner Bollen recalled it was said it was all going to be rental property so that would all fall on the owner.

Mr. Rawdon brought up another neighbor's concern of when you put rental homes next to homeowners, it decreases their property values, which are already bad enough for those who are in the floodplain. He is not against people renting houses, but he does not believe this is the place for it. He pointed out they have 55 signatures of neighbors who oppose this development. He then mentioned the visibility issue for people turning on the sharp turn onto Northeastern Avenue.

Bart Gray, who owns 102 Quapaw Trail, asked if the City allows land-locked lots to be opened up into a private driveway. He shared that he lives in a subdivision that has private streets and there is no obligation from the City to maintain them, but there is usually an organization in the Bill of Assurance, or otherwise. He understands it is one owner for maintenance and clarified that it is a flag lot versus the public access to the lot that confuses him a bit.

Mr. Lemons showed Mr. Gray the plat and further explained the details of it.

Commissioner Twitty requested clarification on if Lots 5 and 6 come in from the side.

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Mr. Lemons confirmed it comes off of Natchez Trace and their trash will be picked up from that street as well. He assured their plan is not to completely fill these lots out of the flood zone, and by FEMA's regulations, they have to be two feet above the base flood elevation. He clarified only the house pad will be above base flood elevation; they will not bring any of the yard above elevation, but only grading it some. He wanted to also bring up the difference between what FEMA calls floodplain and floodway. He described that floodway is a protected area within a watershed that you cannot fill in. He shared there is floodway on the property to the south of theirs, but it does not encroach onto this property. They are in the floodplain but they, or anyone else, have the right to bring their property up. He explained that FEMA has floodways in order to keep people from coming in and completely filling it, causing more damage upstream or downstream, and that is an area that is protected they will not be getting into. When it comes to trashcans, he is sure there will be no problems with it since the petitioner looks forward to having good tenants that are going to take care of his place as much as he will. He reiterated this will only have one owner and assured any maintenance that has to be done on the driveway will be the owner's responsibility, not four different property owners. Responding to a question from Commissioner Brown, he replied although they are not required to, they will do their best to grade the yard surrounding each house to where if water does stand, it will run off in a very short period of time. He shared they want something that is going to be nice so they will do the grading in order to limit that and if you look at ten yards after a two-inch rain, eight of them are going to have water standing somewhere. He noted that is the nature of the way water falls and then shared that his biggest point is they have to do a No-Rise Certificate, so there is more studying and paperwork that will go into it. He added they have to also submit this to FEMA to get their approval, so the City does have several levels of protection above their ordinance.

Chairman Moore mentioned they have three or four houses in Stonewall that have water sump pumps under the foundation that pumps out the flood water. He explained it drains off into other people's property, making a problem.

Mr. Lemons clarified the finished floor elevation has to be two feet above the base flood elevation, being not only required by Jacksonville, but also by FEMA. He explained where the ground hits their foundation, it also has to be above the 100-year flood zone, so it is not like they are going to go in and build concrete block walls up five feet thick then pour foundation. He added they do have to provide grading outside of the house and their plan is to build six houses around 2,000 square feet each, totaling 12,000 square feet of area just for the foundations, that is going to be filled. He estimated only a fourth of an acre out of 1.5 acres will be filled, not the entire 1.5 acres. He assured just the part to get the houses out and to have a good grade to where they can mow and maintain the

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yards will be. Responding to a question from Chairman Moore, he clarified the houses will be 55'x36' and will be rentals.

Mr. Hart pointed out that heat and air are probably at ground level, not at a finished floor level, and in his case, his \$14,000 unit is on the ground well below the floodplain level of the finished floor. He noted if water gets to that, it would be ruined.

Engineering Tech Mylissa Griggs shared FEMA now requires the equipment to also be two-feet above.

Another citizen in the audience brought up that no one mentioned the elevation of the street, so conversely, all of the water is going to go into the street and flood.

Mr. Lemons noted if you look between Lots 3 and 4, they have a drainage easement that will be used to drain the street.

Chairman Moore asked if the Engineering Department is going to make sure this water is not going to back up into the streets of Natchez Trace or Quapaw Trail when the houses are built up to put the slab on.

Public Works Director Jim Oakley stated everything will run to the south of the private driveway and the two lots on Natchez Trace will have everything running south to the big ditch. He does not believe it could jump the crown of the road and run over to the other houses, but it should stay on the crown of the road over and go south to the big ditch. He explained it could cause more water on Mr. Hart's property, but he does not think others will be affected by the project, only adding more water to the main drainage channel.

Chairman Moore asked Mr. Hart how much water is this going to create to come onto his property.

Public Works Director Jim Oakley affirmed a study would have to be done to find that out.

Mr. Hart claimed with the way it is now with the water, you could float a boat just outside his or his neighbor's back yard. He suggested adding any more water to that ditch, there is going to be a problem.

Chairman Moore mentioned a study has to be accomplished with no-rise to any of the property behind it, which will be hard, because he has been out there when water comes from across the interstate causing the ditch to overflow and flood the golf course and some of the houses down that way. He believes this project will create more of a problem with flooding into their area because he has been out there and seen what happens. He pointed out a drainage study has to be accomplished and that will also go on this contingency.

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Engineering Tech Mylissa Griggs assured that is part of the Floodplain Development Permit and the No-Rise Certification that is being required.

Chairman Moore asked a disgruntled citizen to leave the meeting following an inappropriate outburst.

Commissioner Brown shared his first concern is that a No-Rise Certification really just means the water cannot rise any higher than it does right now, but he is hearing from neighbors this 1.5 acres that will have houses on a quarter of it, will leave three-quarters of it that will continue to flood.

Mr. Lemons clarified the houses will take up a quarter of an acre, not a quarter of the whole property, so they are not going to fill over half an acre, only about a quarter of one. When Commissioner Brown asked how much of that 1.5 acres is going to still be exposed for grass, he explained it would be about an acre or more and the petitioner is looking into putting down sod because it has more absorption potential than the current vegetation. He admitted when you put in pavement and houses, you will see an increase in flow off of the property, but they will do their best to counter that to reduce its impact by using things like absorption sod, etc.

Commissioner Brown requested clarification if after they finish building these rental property houses, will a part of the property still be at flood level and be flooded several times a year.

Mr. Lemons could not testify to how many times a year it is going to flood, but he can look at flood zone maps and tell the potential of it.

Commissioner Brown stated we have already heard from two neighbors this property currently floods several times a year and then asked how many times is it okay to have flood water standing at the foundation. He shared he would never want water standing at the base of his foundation and Mr. Lemons agreed. He reiterated we are putting this community into a residential neighborhood.

Mr. Lemons agreed that they are because it is on residential and reiterated there are a couple of thresholds they have to meet, being that the finished floor has to be two-feet above what FEMA says is base elevation and where the ground hits has to also be above that.

Commissioner Brown assured he is not questioning that, he is questioning the part that is not going to get elevated, that is going to be at the current level that it is right now.

Commissioner Bollen explained his ex in-laws lived on Chickasaw Place and the back of their property flooded quiet frequently without any addition; that is another street away and almost down at the end of

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the street. He does not see how you can do this without increasing potential flood water problems for the people who already live around there, so he is not for it.

Commissioner Montgomery moved, seconded by Commissioner Bollen to deny the replat of Pine Creek Subdivision. MOTION CARRIED.

b. SKETCH PLAT: H&S Development

Representative Aaron Robinson with Bond Engineering stated this is a piece of property off of Military Road, right behind Chapel Ridge Apartments. He explained they are looking to put duplexes and triplexes in and this is a sketch plat they wanted to bring before the Commission to see if they had any comments or questions. He shared that Engineering Tech Mylissa Griggs has talked to other departments on some of their requirements and he is here to answer any questions and set a direction for the next meeting. He pointed out it is zoned properly and he likes the layout.

Commissioner Brittenum requested clarification as to where exactly it backs up to Chapel Ridge Apartments.

Mr. Robinson related it is the vacant piece of land between Chapel Ridge and Military Road, not going all of the up to Stanphil Road.

Commissioner Brittenum noted there are a row of duplexes on Stanphil Road, which is down the street from her house, that is why she is trying to understand exactly where this project will be. Mr. Robinson agreed when she asked if it would be right beside Chapel Ridge Apartments in the open area.

Council Member Dietz clarified if you go passed Chapel Ridge Apartments, there are two houses there, and this is the vacant land on the left that used to be a dirt race track. He stressed we are out of rental property in Jacksonville and people need a place to live when they come here. He does not like them all being rentals, but people are going somewhere to rent and they are building them everywhere. He would want them to be maintained and detailed that duplexes could go for \$750-\$850 a month.

Mr. Robinson pointed out they provided possible elevations in the packet that they are thinking of doing and explained they will be nice two-stories duplexes and triplexes with garages. Responding to a question from Chairman Moore, he stated it will be one lot, not like a subdivision, and the petitioner wants to maintain private streets inside with a gated entrance and privacy fence all the way around the property. He reiterated it is already properly zoned, with Engineering Tech Mylissa Griggs noting it was rezoned April 2021. When City Clerk-Treasurer Susan Davitt asked how many units total will there be, he surmised 52.

Engineering Tech Mylissa Griggs clarified she had counted 116 doors.

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Commissioner Hall asked if one street in and out will be enough and Public Works Director Jim Oakley responded it is recommended normally for that many units to have two ways in and out, but he believes it meets code.

Engineering Tech Mylissa Griggs shared she spoke with the Fire Marshal and he said if only one entrance is provided, they are going to require a wide boulevard entrance.

Public Works Director Jim Oakley stated it was so that if one car gets stuck there, you can still get around it.

Mr. Robinson affirmed they could have two, but would prefer one because once you get to Stanphil Road there is a hill there, so your sight distance is really decreased the closer you get to it, that is why the proposed driveway is all the way on the other side.

Discussion ensued about if one entrance would accommodate or if an additional one would create a dangerous sight distance from the hill.

Mr. Robinson stated if you are coming over the hill at 45 mph or more and then have someone pulling in or out with the gate there, it would not give them the braking ability to stop where they do not hit anyone. He assured that is why they have talked about having only one wide entrance where you could feasibly get two to four cars through instead of possibly creating a dangerous intersection toward Stanphil Road.

Commissioner Bollen hopes they would put the gate as far away from Military Road as they can so cars are not stopped there trying to turn in, waiting for the gate to open and causing a major problem.

When Commissioner Brittenum requested clarification on the privacy fence and gate, Mr. Robinson explained the fence along the back, sides, and the front, will probably not be a privacy fence, but it will be an opaque fence of some kind that you can see through. He added there will be a gate that can be opened and closed that will have a knock box for the Fire and Police Departments.

Commissioner Montgomery moved, seconded by Commissioner Brittenum to approve the sketch plat for H&S Development. MOTION CARRIED.

Responding to concerns from Commissioner Bollen, Mr. Robinson assured when he brings the preliminary plat before the Commission, he will show the proposed gate location and try to put it back as far as they can.

BUILDING PERMIT(S):

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GENERAL: Review of preliminary plat for Greenhill Estates Subdivision regarding annexation zoning

Representative Aaron Robinson with Bond Engineering stated this is the preliminary plat the Commission approved that they sent to City Council for annexation and zoning. He explained the City Council was not opposed to duplexes, but wanted some residential houses in there to create a buffer between the existing residential houses and this proposed development. He pointed out you can build a single-family house in an R-2 zone, so they are not asking for any type of rezone or anything, but have highlighted the single-family lots and made notes on the plat to make sure when someone comes to get a building permit, the Engineering Department will know exactly which ones are single-family and which ones are duplexes.

Council Member Dietz affirmed it conforms with the area now because you have Bellevue already in there with the same thing.

When Commissioner Hall asked how big will the houses be, it was concluded they are going to have some three bedrooms with two bathrooms and a two car garage that will be 1305 square feet and also have some four bedrooms with two bathrooms that will be around 1200 square feet.

When asked about the lots that ended with "F", Mr. Robinson confirmed those are the floodplain lots that once all of the dirt is moved and approved with FEMA and the City, they will remove the "F" designation on them and build on them.

Council Member Dietz pointed out the bigger lots on the back are next to a transition area with only a ditch in the back. He explained not everyone wants huge houses and if someone wanted to build a 1300 square foot house, they could build a storage building back there and it will be ideal for people wanting to stay in town to own affordable housing.

Mr. Robinson clarified they will not be able to build anything passed the "F" lot because that is all in the floodway, but they will have all of that property that goes to the ditch.

Engineering Tech Mylissa Griggs recommended instead of designating the yellow lots as single-family only, to protect the City as much as possible, they need a legal description that the back part is zoned R-1 when it is annexed, and the rest of it R-2. She knows what this developer's intentions are, but should something happen and they change it, it is R-2.

Council Member Dietz moved, seconded by Commissioner Bollen to approve forwarding the annexation proposal of Greenhill Estates to City Council with the stipulation that there be separate legal descriptions for the R-1 and R-2 zones. MOTION CARRIED.

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ANNOUNCEMENT:

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

Respectfully submitted,

Susan L. Davitt