

**CITY OF JACKSONVILLE, ARKANSAS
REGULAR PLANNING COMMISSION MEETING
APRIL 10, 2023
6:31 P.M. - 7:28 P.M.**

OPENING REMARKS:

The Planning Commission of the City of Jacksonville, Arkansas met in a regular session on April 10, 2023. Chairman Moore opened the meeting at approximately 6:31 p.m. expressing appreciation to those in attendance.

ROLL CALL: Commissioners Mike Dietz, William Montgomery, Billy Hall, Vivian Brittenum, Jeff Twitty, Dan Brown, and Chairman Jim Moore were present and answered ROLL CALL. Chairman Moore declared a quorum. PRESENT (7) with chair, ABSENT (2).

CORRECTION AND/OR APPROVAL OF MINUTES: Commissioner Montgomery moved, seconded by Commissioner Twitty to approve the minutes of March 13, 2023 as presented. MOTION CARRIED.

PUBLIC HEARING(S): a. **CONDITIONAL USE** New Murrell Taylor Elementary school in R-1 zone

Chairman Moore opened the public hearing at approximately 6:33 p.m.

City Engineer Adam Whitlow recalled that the Commission approved the site plan last month, contingent on this approval. He explained that the School District bought a new parcel of land, therefore, it does not carry with it the automatic grandfathering. He confirmed his Staff has no objections to the usage.

Chairman Moore closed the public hearing at approximately 6:34 p.m.

Commissioner Montgomery moved, seconded by Commissioner Brittenum to APPROVE the conditional use for the New Murrell Taylor Elementary School in an R-1 zone. MOTION CARRIED.

b. **REZONING** 7708 T.P. White Drive from C-3 to C-4

Chairman Moore opened the public hearing at approximately 6:34 p.m.

Engineer Whitlow stated this site is used for C & D Steel Erectors and the 8.9-acre tract will be used for company operations, payroll, general office duties, and storage of extra equipment and reusable construction materials. He confirmed this zoning is consistent with the Land Use Plan and Staff has no objections to the approval.

Chairman Moore noticed there was no petitioner present for this item of business. No one opposed the rezoning when he asked the audience.

Council Member Dietz noted that at one time they had three RVs onsite and it has been maintained well.

Chairman Moore closed the public hearing at approximately 6:38 p.m.

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Council Member Dietz moved, seconded by Commissioner Hall to APPROVE the rezoning of 7708 T.P. White Drive from C-3 to C-4. MOTION CARRIED.

c. REZONING parcel located at the corner of Highway 161 South & Carver Lane from R-0 to C-3

Chairman Moore opened the public hearing at approximately 6:39 p.m.

Engineer Whitlow stated this request is being made by the current owner as a contingency of the sale of this .49-acre tract. He explained the potential buyer is proposing the use as a small car sales lot. He confirmed zoning is consistent with the Land Use Plan, since it is adjacent to some C-3 zones on the northside of Carver Lane. He noted that commercial design standards have been adopted, therefore, site development will be required to meet those standards. He mentioned considering a possible C-2 zoning with a conditional use for a car sales lot, noting that Staff has no objections to this approval. He pointed out that even though the applicant stated the use will be a car sales lot, with the rezoning process you have to look at anything a C-3 use would bring in, but a C-2 with conditional use would be less intensive where you can add certain conditions to it.

Manager of Shore Point Associates, LLC Thomas F. Hall III stated they are interested in selling the property but the buyer wants them to rezone it first.

Discussion ensued regarding rezoning to C-3 versus C-2 zoning with a conditional use. City Attorney Friedman clarified that a rezone would transfer to the new owners since it stays with the property, but if they give the current owner a conditional use, it would not transfer, therefore, the new owner would have to come back to request a conditional use.

Council Member Dietz pointed out that the City would have more control and guidance if it were a C-2 rather than a C-3.

Engineer Whitlow agreed that the City can put specific conditions on a conditional use, but noted there is C-3 immediately adjacent to this property.

Mr. Hall mentioned if it were to be rezoned as C-2, but the buyer was not satisfied with that and backed out, he would like it be rezoned back to R-0.

Engineer Whitlow brought up that Council ratifies rezones, so if Planning Commission approval does not satisfy the sale contract, they could hold off on Council approval and withdraw the request where it will stay R-0.

Mr. Hall related they would be happy with a C-2 with conditional use in order to complete the sale.

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Larry Wilson of 3 Nixon Drive stated he lives across the highway from this property and he would be opposed to the rezoning because there are several homes in the area. He explained they have had a used car lot near previously, but it created noise issues late at night. He affirmed they would like to maintain the residential nature of the area as best they can. He understands people have property they want to sell and others that want to buy, but there are several places around town that have been used car lots and others that could be.

Potential buyer Jesse Randolph stated he is planning on using this property as a small, family-owned car lot that would close approximately 5-6:00 p.m. He assured it would not be used late at night, be a salvage yard, or have late-night partying going on, but will be a respectable business that he can pass on to his 27-year-old son. He confirmed he is okay with it being zoned C-2 with a conditional use because his goal is strictly car sales. When Commissioner Hall inquired, he responded that he does not currently own a car lot, but works at a manufacturing plant on I-40.

Commissioner Twitty mentioned he does not want to stand in anyone's way of what they want to do, but he is not keen on having car lots so close to residential homes.

City Attorney Friedman clarified there are three options: approve the original request from R-0 to C-3, rezone R-0 to C-2 with the new buyer coming back to request a conditional use, or to deny it altogether.

Chairman Moore closed the public hearing at approximately 7:05 p.m.

Commissioner Hall moved, seconded by Commissioner Montgomery to DENY the rezoning of the parcel located at the corner of Highway 161 South & Carver Lane.

Discussion ensued regarding if the property was used previously for a used car lot and it was determined that this is a vacant parcel of land; not the old service station that was a car lot for years.

ROLL CALL: Commissioners Dietz, Montgomery, Hall, and Twitty voted AYE. Commissioners Brittenum and Brown voted NAY. MOTION CARRIED.

d. REZONING 2000 Highway 161 South from R-0 to R-8

Chairman Moore opened the public hearing at approximately 7:06 p.m.

Engineer Whitlow stated this request will permit a 4.7-acre tract to be used as an RV park. He confirmed that zoning is not consistent with the Land Use Plan, however, an RV park could be viewed as a commercial use, but is only permitted in an R-8 zone and not allowed as a conditional use in any other. He shared that Staff can see a possible route to approval with careful consideration to adjacent property owner's concerns with strict adherence to development standards. He

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noted the applicant sent additional information on similar parks they have done, but this is a rezone only, therefore, they cannot be held to specific standards. He recalled this property was a mobile home park at one time, but it is now vacant land. He assured there is no grandfathered use of any type to this property now. He mentioned that a Planned Unit Development (PUD) would be a mechanism to consider, because if there were significant concerns over buffers, visibility, etc., it ties a site plan and improvements in with the zoning. He pointed out that PUDs are very design-heavy on the frontend, but you see exactly what you are getting when they propose it. When Council Member Dietz inquired, he surmised that any infrastructure currently there will need to be redone substantially.

The potential RV park Co-Manager Tammy Thompson stated that the owners sent her and her husband from Texas to speak on their behalf. She explained that they looked at the property beforehand, noting it needs cleaned up since there is a lot of garbage and overgrown trees. She related that the owners have plans to redo the electric and water, will use the existing mobile home pads for RV spots, and run water, sewer, and electric to each one. She believes there would be approximately 53 spots, assuring they would remove all small trees and only leave the big, nice ones. She mentioned a time limit on how long people are allowed to stay, surmising after they stay for a month, they need to request, and be approved, for an extension in order to be allowed to stay longer. She confirmed they will not allow any RVs that are older than 20 years. When Chairman Moore inquired, she replied that the owners do not intend on allowing permanent residency. She noted that she and her husband live in their RV and would bring it onsite for permanent residency to manage the whole park. She clarified that if someone requests to stay longer, it would be at management's discretion to where if they were respectful, good people, they could choose to let them stay.

When Commissioner Montgomery brought up the submitted park rules, Engineer Whitlow reminded that the owners can say anything they want, but none of it is tied to a rezone. He pointed out that if the Commission has concerns over how the park is ran, a PUD is a mechanism where the site plan is attached. He confirmed they would still need to submit a site plan and adhere to City and the Health Department's standards regarding dump station, bathrooms, etc. When Commissioner Brown inquired, he responded that a PUD is a rezone process with a lot more information bound to the approval.

Mrs. Thompson stated they will complete the RV park in three phases.

Larry Wilson of 3 Nixon Drive shared that he is not opposed to this because what is there right now is terrible, so if someone will fix it up to make a nice commercial RV lot, he is fine with it. He would like for management to keep troublesome tenants out and the noise down. He surmised it will be a significant improvement to their area.

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Council Member Dietz suggested they come back with all plans for a PUD because right now they do not have enough information to approve.

Chairman Moore closed the public hearing at approximately 7:25 p.m.

Council Member Dietz moved, seconded by Commissioner Brown to DENY the rezoning of 2000 Highway 161 South from R-0 to R-8. MOTION CARRIED.

Engineer Whitlow clarified for Mrs. Thompson that the owners will have to engage their engineer or designer to come back with a full site plan and request a PUD instead of an R-8. He listed that the plan should have everything from utilities, street improvements, grading, drainage, stormwater, etc.

City Attorney Friedman also suggested the owners contact the Health Department to make sure their plans meet requirements because even if this Commission approves them, they still have to meet the standards and regulations they require.

Engineer Whitlow confirmed that the park operating procedures, etc. can be tied to the PUD.

REQUEST TO APPROVE PLAT(S):

BUILDING PERMIT(S):

GENERAL:

ANNOUNCEMENT(S): R-8 Zoning Information

Chairman Moore stated that the Commissioners have in front of them the information regarding R-8 zoning to look over for future reference.

Municipal League Training

Chairman Moore highly recommended that the Commissioners attend Municipal League training on April 19th from 9:00 a.m. to 3:00 p.m. He shared that he will be attending virtually.

ADJOURNMENT: Chairman Moore without objection, adjourned the meeting at approximately 7:28 p.m.

Respectfully submitted,

Susan L. Davitt