

Planning & Zoning Commission

January 14, 2026

6:00 P.M.

Bull Shoals City Hall

Meeting was opened by Chairman Rick Anderson at 6:00 p.m. Pledge of Allegiance was recited by all.

Commissioner Attendance. Rick Anderson, Keith Hilburn, John Stauffer, Scott Scholes, Scott Galiart and Merle Fawcett.

Approval of Minutes. Rick said there were a few errors in the November minutes that need fixed. Secretary Tim Koenig has now resigned. Rick's wife, Peggy Anderson has volunteered to revise the November minutes. Motion was approved to table the November minutes.

Secretary Replacement. The Commissioners decided to appoint Peggy Anderson as a temporary secretary until another volunteer can be found.

Sign Replacement. The owners of the Boondocks and 178 Club sign that blew down had planned to attend tonight's meeting. The owner of the sign company hired to rebuild told Rick that they want to replace the original sign with another one the same size. This size will no longer meet the codes as currently written. The owners will need to apply for a variance for the new replacement sign. Rick delivered a variance application to 178 Club for the owners to complete and return. A variance hearing should be taking place within a few weeks.

Rick pointed out there is more than one issue in the code book regarding sign replacement. The original sign was 12 ft. x 34 ft. which equals 408 sq. ft. That is five times bigger than what our sign ordinance allows. This particular sign's size was grandfathered in long ago, however the zoning code book states that when more than 50% of the sign is destroyed, the grandfather clause ends. There are two places in the code book where this is stated. Keith's point of view is that the damage was caused by an act of nature. The owners didn't physically remove the sign themselves. Keith feels that if the owners apply for the variance, they should be able to put it back up as it was. The sign has been there a long time and is not impeding the view of anything. Merle states that for grandfathered signs that fall over,

the owners should buy a new permit and build back according to the specs. Rick confirmed that the variance rule is currently listed twice in the code book.

Scott S. said he drove the highway to look at the signs in question. He noticed a smaller sign for the 178 Club on a pole along the route. It is totally legible and very readable, much more so than a big sign. Scott S. thinks the bigger signs are not attractive.

Scott S. noted that all the signs have framework. Is it a new sign when the old facing is taken off and a new one put on? Rick answered yes, according to the current code. Scott pointed out there's another new sign further down the road on Highway 178. The facing has been changed but not the framework. They put a new canvas on it. You can tell that the frames have been there awhile but the sign is definitely new. Scott asked if the frame is grandfathered too? Rick said as long as they don't alter the size of the sign, the framework and the signs that were existing at the time the sign ordinance came into effect are grandfathered in. But if the size of it is altered at all, then the grandfather clause goes away. If they just change what is there on the canvas, they can do that with a permit.

Scott S. asked if the guidelines of the ordinance specifically allow for a variance. Rick answered yes, however the ordinance states that it has to be the Board of Adjustment that does the variance. So, when we do have the meeting to go ahead and approve that light industrial language, what we'll probably do is have a dual meeting. We'll start as Planning & Zoning and address the light industrial language. We'll need to have a hearing on that because we're changing the language in the code. Right afterward, we'll adjourn Planning & Zoning and open up the Board of Adjustment to conduct the variance hearing.

Rick requests everyone get a copy of the city's sign ordinance and read it thoroughly. There are a lot of things in there that are going to come into play as the city moves forward.

Light Industrial Language. The new light industrial language is up for discussion and approval for addition to the city's C2 zoning codes. This language would allow light manufacturing in C2 zones. The commission can add more to the language if desired. The new light industrial language would be inserted on pages 25-26, Article 4-6, Section B, #10. Rick pointed out that the language would be a permitted use under C2 and not a conditional use.

Scott S. pointed out what was already zoned L1 in the city. If we're potentially looking at putting up a new rezoning plan, looking down the road we need to make a plan for a specific area for light manufacturing only, as is done in a lot of different areas. Counties

and cities give light industrial a specific area to work through, keeping true commercial businesses to themselves.

Rick agreed with Scott S., but said that the city currently doesn't have enough L1 area to allow businesses to do light industrial. That's why people are asking to allow light industrial within our commercial zones. When considering a designated industrial manufacturing area in Bull Shoals, there really isn't a lot big enough to accommodate that type of business. When looking at towns like Flippin, or anywhere there's manufacturing being done, the business requires a huge building that takes up 3 or 4 acres minimum, and we don't have lots that would handle that.

If this is something the Commissioners would like to approve, we would set up a hearing based on the variance requests that we're going to receive. The citizens will have a say. If the citizens approve, we can move it on to the City Council. Rick asked for a motion to accept the light industrial language as written and put it in the codes. Motion was made and seconded to move forward with the new language. Four Commissioners voted in favor, one Commissioner voted against and one Commissioner abstained.

Resort Letter and New Resorts. Since January 1 Rick has received two calls about resorts for sale in the city. The first call was a real estate agent whose client was interested in buying a resort in town. Their concern was they heard rumor that a letter went out telling resort owners we were going to rezone everybody's properties. That information is obviously incorrect. Rick explained that we are not rezoning any of the resorts unless they stop resort operations. They were happy to hear this and we may have another resort being purchased soon. The second call came from a buyer in Texas who wants to purchase Evergreen Resort. He was concerned about our short term rental ordinance. The language states there's a "two-night minimum". Rick told him, if he runs it as a resort, there are no nightly minimums. He was also happy. There have been other calls and inquiries about resorts for sale in our city, so there's potential those businesses will be coming back.

It is important we get our codes and enforcement back on track to push new resorts who are currently violating zone ordinances. Last October, our city attorney came before the City Council and gave an opinion speech about lodging in our area. He compared C4 resorts to hotels and gave confusing information about year round leases and what's allowed in C4 zones. The majority of that opinion conflicted with our current code book. Recently, the attorney wrote a new statement quite different from the first one. The new opinion is more in line with what our zoning ordinances show with just a few errors that need to be addressed.

There was discussion about concerns coming in from citizens regarding a few of the C4 resorts and how they are operating. There isn't just one or two that are noncompliant. One new resort owner in particular has reportedly been trying to force long term tenants into signing leases, which is not allowed. The tenants are pushing back because of faulty plumbing, sewage backing up and other hazards that exist. This new owner was made aware of his C4 status before purchase. The neighboring residents want these issues to be addressed. Another new resort has posts showing up on social media advertising monthly leases, move in ready places to live, and apartment style accommodations.

Intent. The three resorts in question right now have people living there who have the "intent" of living there. They're not staying there as tourists. One owner doesn't even have a license as a resort and they're in a C4 neighborhood. He was warned about the zoning code before he made the purchase. Either they stop everything they're doing and ask for a zone change or start receiving penalties. Rick is concerned and is not in favor of getting rid of any of our C4 resort zones right now, unless we know that it's going to change in a way that is suitable to all the neighborhoods.

It's the "intent" to live there that matters. The attorney also said to be real careful on the language we use. The word "intent" is the key to the definition of long term stays vs. short term stays.

Another note the attorney made was that Arkansas does not in its state law explicitly define a length of time when discussing tenancy. Technically he's right but he isn't. There is 183 day rule for having an address at a post office. Basically what it says is it's the "intent" of the people and what they're doing there. After thirty days if the people are living there, they start gaining tenancy rights. Under the Arkansas Administrative Code, they call a person's home where they reside and they claim as their registered address "domicile". You're allowed to have as many houses as you want, but only one of them can be your main home. That's your "domicile". And a domicile is comprised of "an act coupled with an intent".

"A domicile is acquired by (1) a physical presence at a place you are staying with and (2) a state of mind. That is the intent."

When somebody moves in, if they have the "intent" of living there, they're living there. They're not a tourist whose moving in. They are a resident. Rick gave his opinion that a resort can have someone stay 30 days, 60 days, 90 days, but pushing 90 days or more means the person is living there according to the residency statute. After six months in one

resort, you are a resident and should be paying state taxes, changing your address, etc. In Arkansas, there is no long term. The taxes don't get waived after thirty days. Therefore the people staying at a resort whether it's one month, two months or three months, need to pay the resort tax that applies.

Enforcement. The key to compliance for businesses owners of all types is enforcement of our codes and ordinances. People do what they want in all aspects of city government without consequence. The Mayor mentioned in an email thread to all Commissioners that another person whose sign was damaged stated "I'm going to put up the sign and I don't give a dam what your rules say". People are allowed to say what they want but we should all have a different opinion from that. Either we have codes and enforcement or we don't. Merle thinks it's because prior administrations have allowed this attitude and let it go for too long. Rick agreed and said it makes the commission's job harder. We're not going to win accolades with all the people. There's going to be people that are upset with us. But once we get things back to normal, I hope they lose the attitude.

Another problem is that the city does not have an after the fact permit fee. People have no incentive to pull a permit because if they get caught, the worse thing they have to do is go get the permit. Every other city I've ever lived in had a fee when you get caught without a required permit. Then they have to pay the penalty plus buy the permit. Discussion began about prefab storage sheds needing permits. Rick said the permit is still necessary because of compliance with setbacks on the property, etc. This is an issue the city and the council will need to deal with if they want it changed. It is not a planning & zoning issue.

Scott S. stated that this all boils back to enforcement. We need a better spirit of cooperation from everyone who lives here when it comes to codes and ordinances.

City Council Recommendations. We will be discussing C4 zoning issues with the City Council, together with other important issues that have been tabled for too long. The city needs to be aware of all the things that Planning & Zoning is doing.

One of the jobs of the Planning & Zoning Commission is to prepare and administer planning regulations. We are the governing body that decides the interpretation of our codes and the "intent of" our codes. We do not allow citizens to come into our community and say "I read your codes, and I'm not going to do it". If it's not in line with what the regulations state then somewhere down the line we have to stop these violations. People cannot move into our city and interpret their own version of our codes and do as they please. We need to get the town back on track with enforcement.

Next workshop we'd like to get the council on our side with all these issues. We need to work together with them. The council approved our initial resort letter, one citizen opposed and everything we worked on got shut down six months ago. These problems continue. We need to get the City Council to understand that people want our codes to be respected and enforced. Lakeside Dreams is blatantly an apartment complex.

The group had a lengthy discussion about the difficulties of changing zones to C3, R1, R2 and R3 and how it affects the neighboring properties.

Tim Koenig's Resignation Letter: Tim turned in his resignation letter. A motion to accept his resignation letter was made and seconded.

New format of code book: Dave Higgins did a nice job on a new format of the code book. It is user friendly, easy to understand and can be readily updated. Motion to accept this as the new official code book and made and seconded.

January City Workshop Presentation: Rick asked the members for permission to speak on behalf of the Commissioners at next week's city workshop. He wants his comments to be reflective of the entire group and not his own opinion. A list of recommendations had been turned in to the council months ago. The list was lengthy and needs to finally be addressed. There are many issues that require the council's attention, including businesses with gravel driveways that technically should be paved. If enforced, this would be a huge burden and cost to all businesses along Highway 178 and is one of many changes we recommended that should not be tabled for much longer. The Commissioners agreed for Rick to represent all issues at hand at the January workshop.

Rick asked for a motion to adjourn. Motion was seconded and meeting was adjourned.

Respectfully submitted

Peggy Anderson
Secretary, Pro Tempore

