

Chairperson: Jason Nazarenko

Call To Order: Time: 5:00PM By: Tim Date: 2/16/2026

Roll Call:

Joe Ross	<u>X</u>	Tim Risley	<u>X</u>	Mark Johnson	<u>      </u>
Jason Nazarenko	<u>      </u>	Ben Woodard	<u>X</u>	Linda Brazzeal	Brazzeal <u>X</u>
Mayor Carridine	<u>X</u>			JACK CHRISTIANSEN	<u>X</u>
Mertice Kray (advisory position)	<u>X</u>			<del>RICHARD PETERS</del>	<u>      </u>

Quorum Declared; ✓ By Tim Risley (INTERIM MODERATOR)

Reading of Previous Meeting Minutes: Approved / Not Approved  
Approved w/noted changes

Old Business:

~~OLD BUSINESS~~ - NOTE TO CLOSE ALLEY BETWEEN COMBS AN McLEAN. ISSUE DISCUSSED AND FORWARDED TO A PUBLIC HEARING ON 2/16/26 @ 5:20

Discussion:

Motion:

By: Tim Second: LINDA Pass/Fail

New Business:

PUBLIC HEARING ON ALLEY CLOSURE... 140 CITIZENS IN ATTENDANCE.

Discussion:

- 8 FOLKS SIGNED UP TO SPEAK
- JASON RECOUNTED HISTORY OF PROJECT TO DATE. PRESENTED INFO ON PERCEPENT FROM EARLIER APPROVED CLOSINGS AND EXPLAINED AN OPTION B FOR DOG-LEGGING ACCESS TO COMBS. HE ALSO STRESSED STEEP-MASS OF ALLEY IF IT REMAINED AND ISSUES OF SAFETY.
- PUBLIC BOOKE ~~BOPE~~ BOTH FOR AND AGAINST. SEE ATTACHED NOTES.

Motion:

By:        Second:        Pass/Fail

~~New Business:~~

Discussion:

PUBLIC COMMENTS AGAINST CLOSURE  
LEANED HEAVILY ON TIMING I.E. NOT  
EXPLAINING THE PLANS BEFORE HAND  
AND PREMATURE DIRTWORK.

- COMMITTEE DISCUSSION FOLLOWED...  
JOE ROSS STATED THE DEVELOPER WAS  
IN VIOLATION OF CITY PROPERTY AND  
MADE A MOTION TO DENY CLOSURE....  
MOTION DIED TO LACK OF A SECOND.

THE DEVELOPER ALSO SUBMITTED AN OPTION  
OF DOG-LEGGING THE ALLEY TO THE NORTH  
TO JOIN COMBS. THE 15' WOULD BE DEEDED  
TO THE CITY. JOE ROSS QUESTIONED "WHY  
NOT DIRECTED SOUTH". CONFLICTS w/ POWER  
POLES WAS BROUGHT UP.

THE QUESTION OF GOING SOUTH TO McLEAN  
HAD BEEN MENTIONED IN THE MTG ON  
1/29/26 BUT TAKEN NO FURTHER SINCE  
SAID DISCUSSIONS NEEDED TO BE ADDRESS-  
ED DURING PUBLIC HEARING.

- TIM RISLEY MADE A MOTION THAT  
THE ALLEY BE CLOSED AND RE-ROUTE  
PROVIDED TO COMBS AT DEVELOPER'S  
EXPENSE AND ON HIS PROPERTY, IN  
ACCORDANCE WITH "OPTION B" (ATTACHED)  
SECOND BY JACK. TIM, BEN, JACK AND  
LINDA IN FAVOR OF OPTION B....  
JOE ROSS AGAINST.... PASSED 4 TO 2  
AND FORWARDED TO CITY COUNCIL  
FOR REVIEW AND PUBLIC HEARING IF  
THEY SO CHOOSE.

NEW BUSINESS - ACCEPT RICHARD PICKER'S RESIGNATION  
FROM THE P&Z COMMISSION. MOTION  
MADE TO ACCEPT.

Motion:

By: JACK

Second: BEN

~~Pass~~ Fall

Adjournment: Motion by: TIM .. Second: LINDA Time: 5:55

# **COTTER PLANNING AND ZONING PUBLIC HEARING**

February 16, 2026- 5:00 p.m. Cotter City  
Hall Council Chamber

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## **AGENDA**

The Cotter Planning and Zoning Board will be holding a meeting for public comments at a hearing before the Cotter Planning Board at 5:00 pm on Monday, February 16, 2026, to address the closing of an alley between behind property located 106 Combs Ave (Lots #801, 802, 803, 805) and 155 McClean Ave (Lots #545, 546, 547, 548) starting at Second Street and stopping at Lots #805/544. The Public Hearing will be held at 115 McLean Ave, Cotter at 5:00 pm in the Cotter Council Chambers.

## AFFIDAVIT OF PUBLICATION

State of Arkansas, County of Baxter, ss:

I, Jessica Langston, being duly sworn according to law, state that I represent the publisher of the Baxter Bulletin, a daily newspaper in said county, and that I am duly authorized to and do make this affidavit for the dates of publication herein after stated, and that said newspaper has a bona fide circulation in said county at said dates, and has been published in said county for a period of more than one month next before the date of the first publication of the advertisement hereto annexed, and that the said advertisement was published in said newspaper on the following dates:

From 02/04/2026 to 02/11/2026 both inclusive.

1st insertion, Vol. 105, No. 13, 02/04/2026

2nd insertion, Vol. 125, No. 15, 02/11/2026

3rd insertion, Vol.     , No.     ,

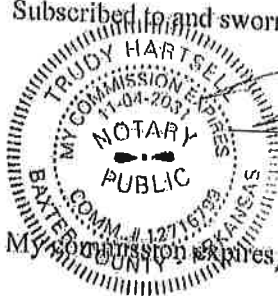
4th insertion, Vol.     , No.     ,

Account#8001632

Ad#190257

Jessica Langston

Subscribed to and sworn to before me this 02/11/2026



Notary

NW 4 2031

Filed and Recorded \_\_\_\_\_

(Publication Fee, \$43.50)

### NOTICE

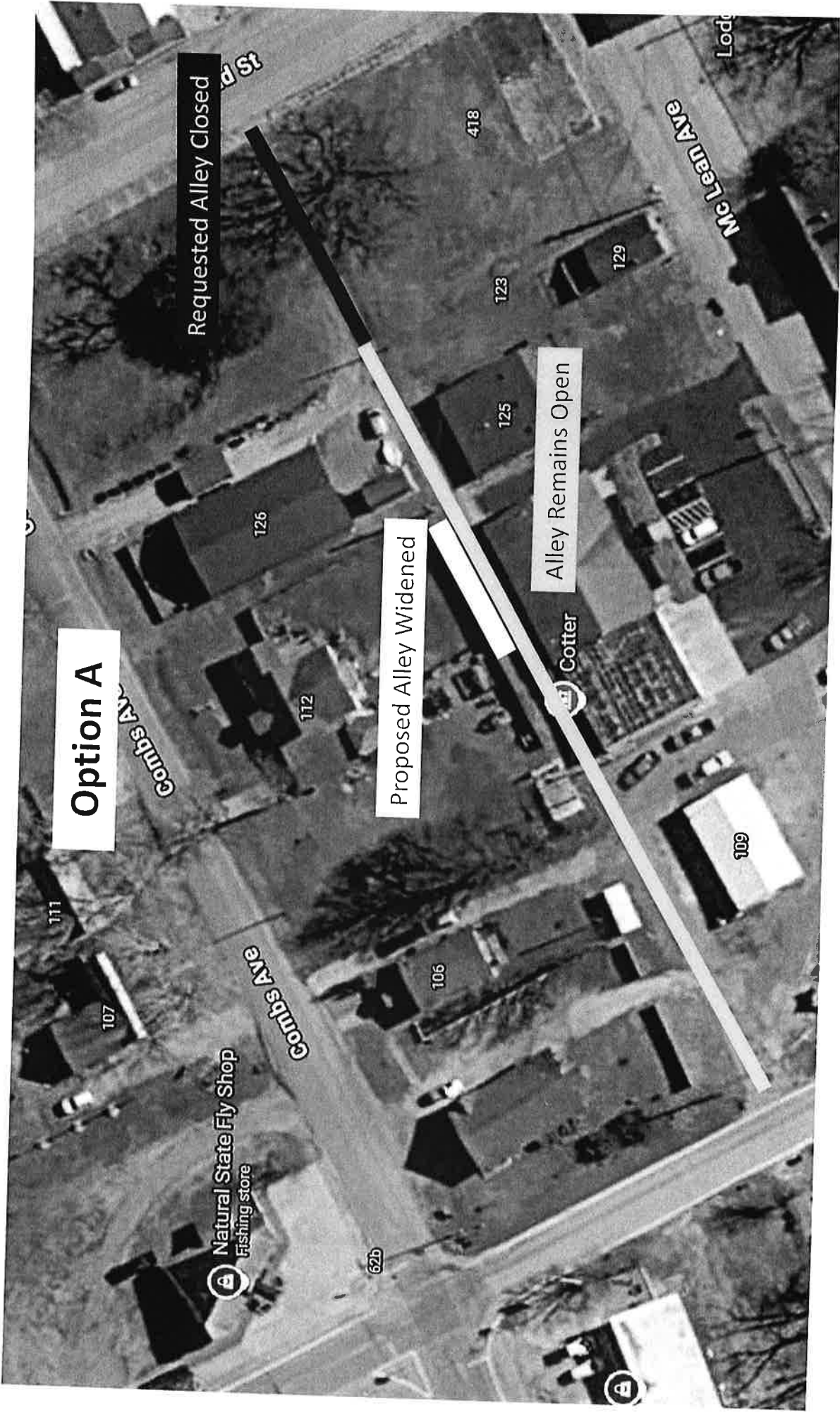
The Cotter Planning and Zoning Board will be holding a meeting for public comments at a hearing before the Cotter Planning Board at 6:00 pm on Monday, February 16, 2026, to address the closing of an alley between behind property located 108 Combs Ave (Lots #801, 802, 803, 805) and 155 McLean Ave (Lots #545, 546, 547, 548) starting at Second Street and stopping at Lots #805/544. The Public Hearing will be held at 115 McLean Ave, Cotter at 5:00 pm in the Cotter Council Chambers.

Cotter Planning and Zoning Committee  
Planning Meeting

Meeting Agenda for Feb 16, 2026

5:00 p.m. City Hall, Cotter, AR 72626

1. Public Hearing Opens / Closes
2. Planning meeting call to order
3. Roll Call and Declaration of Quorum
4. Reading and approval of minutes from previous P & Z Meeting
5. Old Business
  - a. Vote on request to close 100' of alleyway between McLean Ave. and Combs Ave. starting at second street dividing Cotter Lots 545-548 and 801-804. Information submitted prior to the meeting. Information from the vote will be presented to the City Council February 26th at the regular meeting - P&Z representative identified to present to council.
6. New Business
  - a. Accept Richard Pickers resignation
7. Adjourn



Option A

Requested Alley Closed

Proposed Alley Widened

Alley Remains Open

Natural State Fly Shop  
Fishing store

Cotter

Lodge

111

107

Combs Ave

112

126

106

123

125

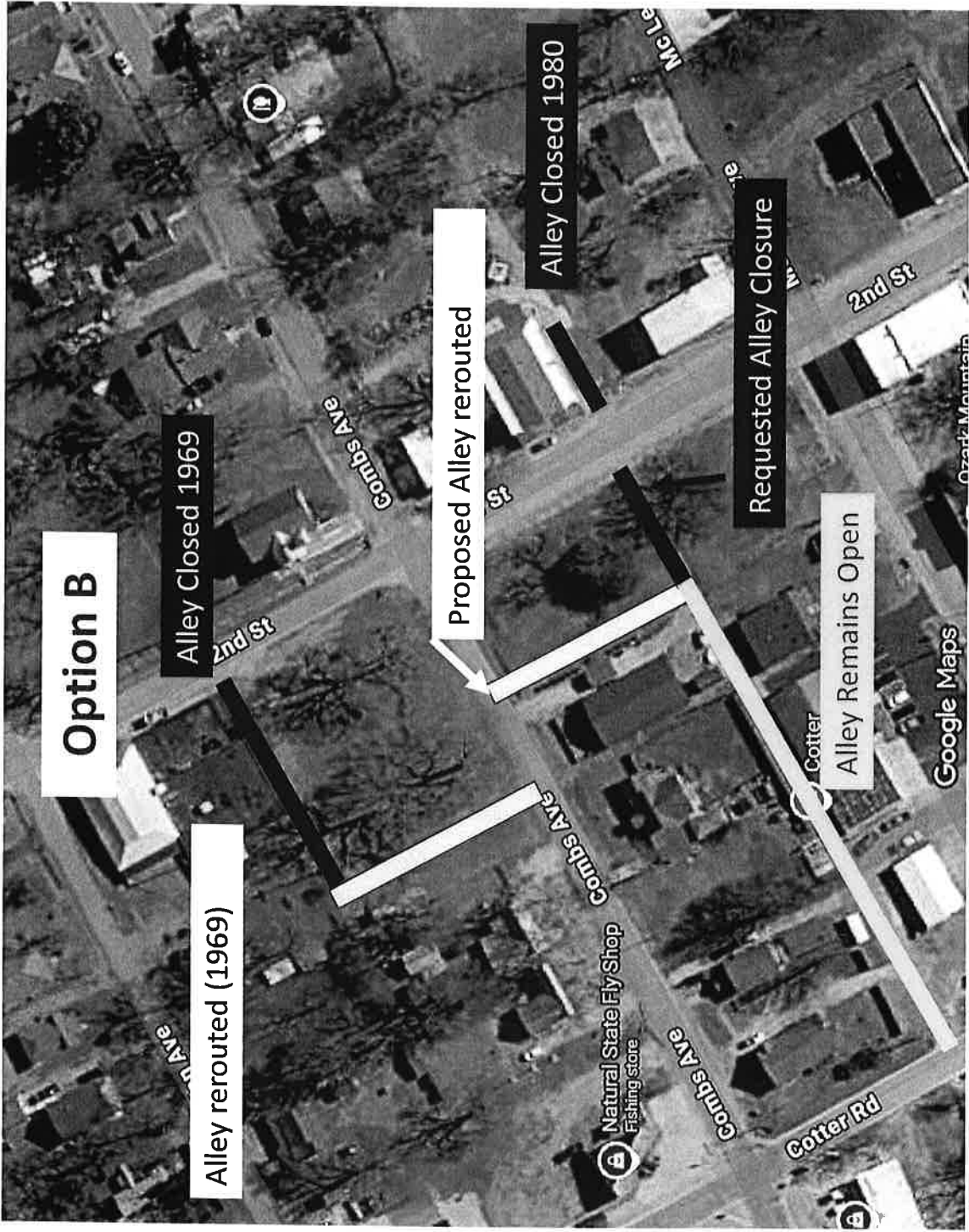
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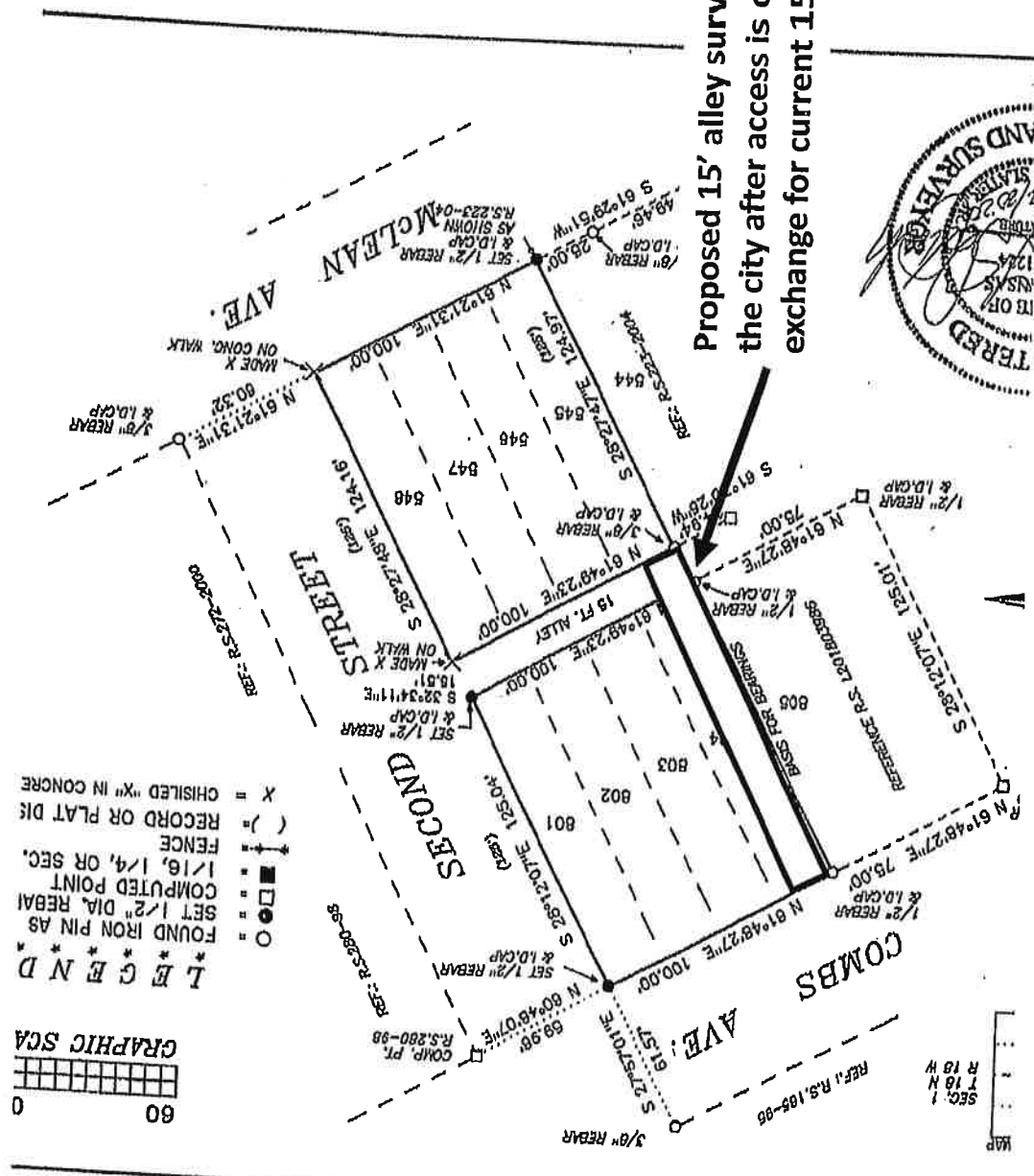
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McLean Ave

109

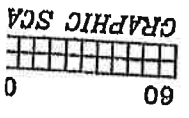
62b





Proposed 15' alley survey & deeded to the city after access is created in exchange for current 15' alley closed

- L E G E N D
- FOUND IRON PIN AS SET 1/2" DIA. REBAR
  - COMPUTED POINT
  - ▤ FENCE 1/16, 1/4, OR SEC.
  - ( ) RECORD OR PLAT DIS
  - X CHISELED "X" IN CONCRE



SEC. 1  
T 18 N  
R 18 W



**COTTER PLANNING AND ZONING  
PUBLIC HEARING**

February 16, 2026- 5:00 p.m. Cotter City  
Hall Council Chamber

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AGENDA

The Cotter Planning and Zoning Board will be holding a meeting for public comments at a hearing before the Cotter Planning Board at 5:00 pm on Monday, February 16, 2026, to address the closing of an alley between behind property located 106 Combs Ave (Lots #801, 802, 803, 805) and 155 McLean Ave (Lots #545, 546, 547, 548) starting at Second Street and stopping at Lots #805/544. The Public Hearing will be held at 115 McLean Ave, Cotter at 5:00 pm in the Cotter Council Chambers.

SIGN IN SHEET TO MAKE A COMMENT ON VACATING ALLEY

Nathan Bock

Cody Bartlett

Austin James

Steve Leisay

Kristi Mayo

Monty Shore

Samantha James

JOE BASS (CHARLIE HUGGINS)

REMOTE OWNER HIGGINS

'26  
Combs

1 NATHAN } AGAINST ALLEYWAY CLOSURES  
2 BUCK }

4 CODY } OKAY w/ PROPOSED OPTION B  
5 BARTLET } REROUTE OPTION SEEMS REASONABLE  
6

8 AUSTIN } NEW DAD - SAFETY CONCERN  
9 MIDDLEGROUND & REROUTE SEEM REASONABLE  
10

11 STEVE } Pedestrian hazard - child or elderly  
12 LEISLY } Does NOT see A NEED FOR A REROUTE  
13 ALLEY @ ALL  
14

15 CHRISTY } • Don't think current Alley s/B Reopened  
16 • FOR REROUTE  
17

18 Monty } WHY WAS THERE NOT A GRADING PLAN?  
19 would like to see site plan?  
20 PERMIT = PUBLIC DOCUMENT?  
21 SAYS Alleyway should have been in site plan

22 STATES THAT he is AGAINST THE CLOSING OF  
23 ALLEY → mentioned BOOZE IN DIST. AREA  
24 AGAINST WHOLE DEVELOPMENT  
25

26 SAMATHA - TAKING over management of OTB -  
27 MAKE DECISION ON SAFETY AND NOT AGAINST  
28 JASON OR THE DEVELOPMENT  
29

30 JOE BAE - JOE HUGGINS - Joe Read an  
31 email; Lease Alleyway RATHER THAN GIVE  
32 TO JASON  
33

34 Joe → SHOULD HAVE BEEN DONE ON FRONT END NOT  
35 BACKEND; NOW HAVE TO FIGURE OUT WHAT TO  
DO.



CITY OF COTTER  
ORDINANCE NO. 2024-06

AN ORDINANCE REGULATING SHIPPING CONTAINERS AND SEMI-TRUCK TRAILERS FOR THE PURPOSE OF ANY TYPE OF STORAGE OR RESIDENTIAL USE IN RESIDENTIAL PROPERTIES IN THE CITY OF COTTER, ARKANSAS, DEFINING SUCH CONTAINERS AND FOR OTHER PURPOSES

WHEREAS, it has been determined that there is a need to regulate the use of certain containers and trailers for storage purposes within the city in residential areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS.

**SECTION 1. DEFINITIONS.**

- A. **SHIPPING BOX CONTAINER.** A container of which the corrugated wall panels, frame, cargo doors, and cross members are made of steel or Corten steel (aka weathering steel) for the purpose of shipping.
- B. **SEMI-TRUCK TRAILER.** A container whose primary purpose was to be used for transporting goods behind a tractor/truck that attached to the tractor/truck by a fifth wheel hitch. Typically consisting of two doors.

**SECTION 2. RESIDENTIAL PROPERTY MINIMUMS.**

Shipping Box Containers and Semi-Truck Trailer shall not be allowed as permanent storage units in Residential R1 and R2, MU1, C1 and C2.

That shipping box containers and semi-truck trailers shall only be allowed in Industrial zone I-1 or residential areas containing a minimum of (five) 5 acres of contiguous land and shall have a minimum setback of (thirty) 30 feet from the primary residence of the property and the property lines, no containers or trailers shall be placed over any city utility easement.

**SECTION 3. PRE-EXISTING.**

All containers and semi-trailers that are on residential property as of the passage and date of this ordinance qualify as pre-existing and are not subject to the enforcement or penalties of this ordinance.

**SECTION 4. RESIDENTIAL HOME USE**

Any shipping box containers or semi-truck trailers designed for residential homes use shall be submitted to the Planning and Zoning Board for review. The home shall be designed by a registered architect and/or engineer showing that the container home meets all city and state codes (i.e., structural, foundation, electrical, plumbing, mechanical, gas, energy, and fire safety IRC codes). Design plans shall be submitted to the Planning and Zoning Board prior to scheduling a public hearing.

**SECTION 5. ENFORCEMENT/PENALTIES.**

Any person, firm, or corporation deemed to be found guilty of this ordinance in the District Court (Cotter Division) shall be deemed guilty of a misdemeanor with a minimum fine of \$50 (fifty-dollars) up to a maximum of \$250 (two-hundred fifty dollars) with each day in violation counted as a separate offence.

**SECTION 6.** That all ordinances in conflict with this ordinance are hereby repealed. Any provision of

**ORIGINAL**

**SECTION 6.** That all ordinances in conflict with this ordinance are hereby repealed. Any provision of the older ordinance will remain in effect if they do not conflict with the later ordinance.

**THEREFORE, BE IT ORDAINED** by the City Council of the City of Cotter, Arkansas, as follows:

That it is hereby determined and declared that an emergency exists, and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 25<sup>th</sup> day of July 2024.

McGeorge "Mac" Caradine  
McGeorge "Mac" Caradine, Mayor

ATTEST:

Andrea Kray  
Andrea Kray, Recorder/Treasurer

ORIGINAL

**SANDERS, MORGAN, CLARKE & FLOYD PLLC**

ATTORNEYS AT LAW

701 SOUTH STREET

P.O. BOX 2308

MOUNTAIN HOME, ARKANSAS 72654

TED H. SANDERS, P.A.

ROGER L. MORGAN

ROBERT S. CLARKE, P.A.

CHRISTOPHER M. FLOYD, P.A.

(870) 425-2126

Fax: (870) 424-3447

January 29, 2026

**VIA EMAIL:**

**[mayor@cotterar.gov](mailto:mayor@cotterar.gov)**

Mayor Caradine

Re: Cotter Ordinance No. 2024-06

Dear Mayor Caradine,

At your request, I have reviewed the above-referenced Ordinance and various zoning regulations within the City of Cotter. The purpose of my review was to determine the legality of using shipping box containers and/or semi-truck trailers as mercantile or retail establishments. After review of such documents, my opinion is as follows:

1) The primary purpose of Ordinance No. 2024-06 is to prohibit the usage of shipping box containers and semi-truck trailers as **PERMANENT STORAGE UNITS** (emphasis added) in R-1, R-2, MU1, C-1 and C-2 zones. The Ordinance does not prohibit the usage of shipping box containers and/or semi-truck trailers for any other purpose, i.e. residential use, retail usage, etc. Specifically, in my opinion, the terms of the Ordinance do not prohibit the usage of such containers and trailers in a proposed retail project such as Outside the Box (OTB); and

2) It is my understanding that OTB is to be developed in an area which is zoned MU-1. One of the permitted uses of MU-1 is retail establishments providing goods and services. In my opinion, OTB falls squarely within the permitted uses of MU-1 (see pages 129.14 and 129.15 of the Cotter Zoning Regulations) and it would be proper for OTB to be in the proposed location.

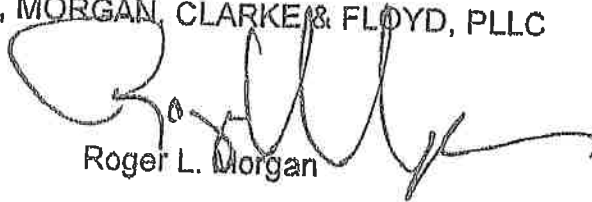
Therefore, in my opinion, OTB may consist of mercantile shops housed in shipping

box containers and semi-truck trailers in the presently proposed location.

Please contact me if you should have any additional questions or concerns.

Sincerely,

SANDERS, MORGAN, CLARKE & FLOYD, PLLC

A handwritten signature in black ink, appearing to read "R. Morgan", written over the printed name.

Roger L. Morgan

RLM:th

Resignation Letter

01/29/2026

Richard T. Pickers

433 Combs Ave

Cotter, Ar 72626

RECEIVED

FEB 03 2026

CITY OF COTTER

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To Mayor Mac Caradine

I regret to inform of my resignation from the Planning and Zoning commission effective immediately. Thank you for giving me the opportunity to serve

Richard T. Pickers