

Cotter Planning and Zoning Commission Meeting

Chairperson: Jason Nazarenko

Call To Order: Time: 5:00 By: JASON Date: 1/29/26

Roll Call:

Joe Ross	<input checked="" type="checkbox"/>	Tim Risley	<input checked="" type="checkbox"/>	Mark Johnson	<input type="checkbox"/>
Jason Nazarenko	<input checked="" type="checkbox"/>	Ben Woodard	<input checked="" type="checkbox"/>	Linda Brazeal	<input checked="" type="checkbox"/>
Mayor Carridine	<input checked="" type="checkbox"/>			JACK CHRISTIANSEN	<input checked="" type="checkbox"/>
Mertice Kray (advisory position)	<input checked="" type="checkbox"/>			RICHARD PICKERS	<input checked="" type="checkbox"/>

(x=Present)

Quorum Declared; By JASON

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

Old Business: NONE

Discussion: * SINCE JASON A CHAIRMAN COULD NOT SERVE DUE TO BEING THE OWNER AND REQUESTOR.... COMMISSION APPOINTED TIM RISLEY TO SERVE AS INTERIM CHAIR.

Motion: Second: Pass/Fail

By:

New Business: REQUEST BY JASON NAZARENKO TO CLOSE ALLEY WAY BETWEEN MCLEAN & COMBS BY 100'. ALLEY IS ADJOINED BY LOTS 545-548 AND LOTS 801-804. PRESENTATION WAS MADE AND DATE OF 2/16/26 AT 5:00 P.M WAS SET FOR A PUBLIC HEARING.

Discussion: (ALTHOUGH BEYOND THE SCOPE OF THIS MTG, I 30+ FOLKS ATTENDED QUESTIONING THE CLOSURE, RISLEY THANKED THEM FOR THEIR CONCERN BUT REITERATED THAT THIS MTG. WAS NOT THE PROPER VENUE.)

Motion: By: JOE Second: JACK Pass/Fail

New Business:

REVIEW OF COTTER ORDINANCE
NO. 2024-06

Discussion:

ORDINANCE INVOLVES SHIPPING CONTAINERS
AND SEMI-TRUCK TRAILERS RESTRICTIONS
INSIDE THE CITY.

EXPLANATION OF DEFINITIONS AND
RESTRICTIONS WAS PROVIDED BY THE
MAYOR, CITY ATTORNEY. SOME QUESTIONS
WERE RAISED BY COMMITTEE
MEMBERS.

DECISION WAS TO TABLE SAME
FOR FURTHER REVIEW AT A FUTURE
DATE

NO ACTION TAKEN

Motion:

By:

Second:

Pass/Fail

Adjournment: Motion by: BEN Second: JOE Time: 5:45

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 25th 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

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.

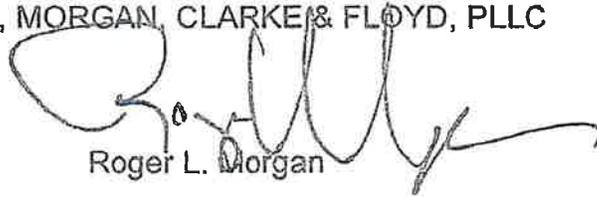
Therefore, in my opinion, OTB may consist of mercantile shops housed in shipping

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

Horizontal sign still needed.

\$30.00 application fee
PD CK# 1575

PAID

JAN 13 2026

BY pm

Request For Alley Closure

APPLICATION TO THE BOARD OF ZONING ADJUSTMENT

Applies to:

Appeals from a decision of the Building Official concerning his interpretation of the zoning regulations.

Requests for variances from the zoning regulations due to unique characteristics of the property. (Does not apply to a request for any use in a zone where said use is not permitted - this would require an amendment to the zoning regulations.)

Steps Involved:

Step 1

ANY PERSON or his legally designated agent, prepares an application for hearing before the Board of Zoning Adjustment. (Form #5 is provided on a following page.) The application is submitted to the Building Official with legible copies mailed to each member of the Board of Zoning Adjustment. The applicant is responsible for the mailing and delivery of copies.

The Secretary of the Board of Zoning Adjustment may schedule the public hearing on the application or he may defer this action to the Board. The Notice of Public Hearing must be published at least one time, not less than seven (7) days prior to the public hearing. (The content of this notice is shown on Form #5 herein.) (Chapter V, Section 8.A.) The advertising cost of publication of the Notice of Public Hearing is paid for by the Applicant.

Step 2

BOARD OF ZONING ADJUSTMENT holds the public hearing on the application. Following the hearing and reaching a decision the Board may either, (1) deny the application, (2) grant the request in a modified form, or (3) grant the request as submitted.

(An appeal from the decision of the Board of Zoning Adjustment may be made only in a court of record having jurisdiction - Chancery Court or Circuit Court - but not in the City Council.) (Arkansas Code 14-56-425)

RECEIVED

JAN 13 2026

CITY OF COTTER

APPLICATION FOR PUBLIC HEARING

TO THE COTTER BOARD OF ZONING ADJUSTMENT:

Application is hereby made to the Cotter Board of Zoning Adjustment pursuant to the Arkansas laws, Act 186 of 1957, Act of Arkansas, as amended, and the Cotter zoning regulations, Ordinance 158-71, as amended, requesting a hearing related to the following described property:

1) Legal Description: Cotter Lots 545-548 and 801-804

2) Street Address or approximation thereof: 302 Second Street

3) Title to this property is vested in the name of: Jason Nazarenko
Address: _____

4) (There are) (There are no) deed restrictions pertaining to the variance or appeal requested herein.
Any restrictions are described: N/A

5) The hearing is requested for the following reasons:

() Appeal from a decision of the Building Official concerning his interpretation of the zoning regulations. Explanation: Alley Closure between lots

Zoning Article# _____

Request for a variance from the zoning regulations due to the unique characteristics of the property. Explanation: ALLEY between Lot 545-548 AND 801-804 HAS NO UNDERGROUND UTILITIES- OWNER OWNS BOTH SIDE OF ALLEY.

Zoning Article# _____

() Request to (Remodel) (Expand) a nonconforming structure.
Explanation: _____

6) A map of the subject property is enclosed herewith as a means of illustrating the problem of concern. Where applicable, the map shows (1) the approximate dimensions of property lines and adjoining right-of-way, (2) approximate outline location of buildings with appropriate dimensions, and (3) land uses and owners names of adjacent properties.

- 7) It is understood that the Notice of Public Hearing will be published at least seven (7) days prior to said hearing in a newspaper or general circulations in the City. The charge for this publication is to be paid for by the Applicant.
- 8) It is understood by the Applicant that the Board of Zoning Adjustment may request that additional notice of said public hearing be given to certain interested persons and or organizations.
- 9) Submit original, with attachments, to Building Official of the City of Cotter and deliver a legible copy, with all attachments, to the Chairman of the Planning Commission. Use additional sheets if above spaces are inadequate. The Applicant is responsible for the delivery and mailing of all copies.
- 10) Under penalties of perjury, I declare that I have examined this petition, including accompanying materials and statements, and to the best of my knowledge and belief it is true, correct and complete.

Respectfully submitted,

Applicants Signature Jean Nguyen
 Address 170 Harding Blvd Cotter AR 72626
 Phone Number 931-627-5056

(Do not write below this line)

BUILDING OFFICIAL:

Date: _____

Are all 10 points of the application in order? Yes _____ No _____

Were the required number of copies mailed by Applicant? Yes _____ No _____

Time & Date of Public Hearing? Date: _____ Time: _____

Notice Published: Newspaper: _____ Date: _____

Copy Attached? Yes _____ No _____

Application approved by Board of Zoning Adjustment? Yes _____ No _____ Date: _____

Subject to: _____

Application disapproved by Board of Zoning Adjustment? Yes _____ No _____ Date: _____

Reasons: _____

Board's decision was (), Was Not () appealed to a court of record: _____

Date Appealed: _____

Court of record action on appeal: _____

Signed by Building Official: _____ Date: _____

NOTICE OF PUBLIC HEARING BEFORE
THE BOARD OF ZONING ADJUSTMENT

Notice is hereby given that an application by _____
For a hearing before the Cotter Board of Zoning Adjustment has been filed with the Board of Zoning
Adjustment wherein the (appeal or application) _____ for a variance is concerned with the property
located at _____

And the content of the application is described as follows: _____

A PUBLIC HEARING on said application will be held by the Cotter Board of Zoning Adjustment at
_____ AM/PM, on _____, 20_____ at Cotter City Hall.

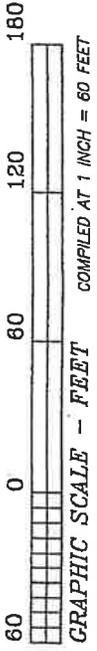
ALL PARTIES IN INTEREST MAY BE HEARD at said time and place or may notify the Board of Zoning
Adjustment by letter of their views on the matter.

THE APPLICATION is on file for public inspection at Cotter City Hall.

Dated this _____ day of _____, 20_____

Cotter Board of Zoning Adjustment,

By: _____
Chairman



DATE : JUNE 19, 2020
 JOB NO : 024-20
 FIELD BK. NO. : 01-20
 DRAWN : C.S.JR.
 SURVEY : C.S.JR. & G.L.S.
 SCALE : AS NOTED
 REFERENCES : PLAT OF COTTER SURVEYS AS NOTED

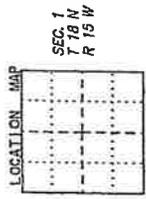
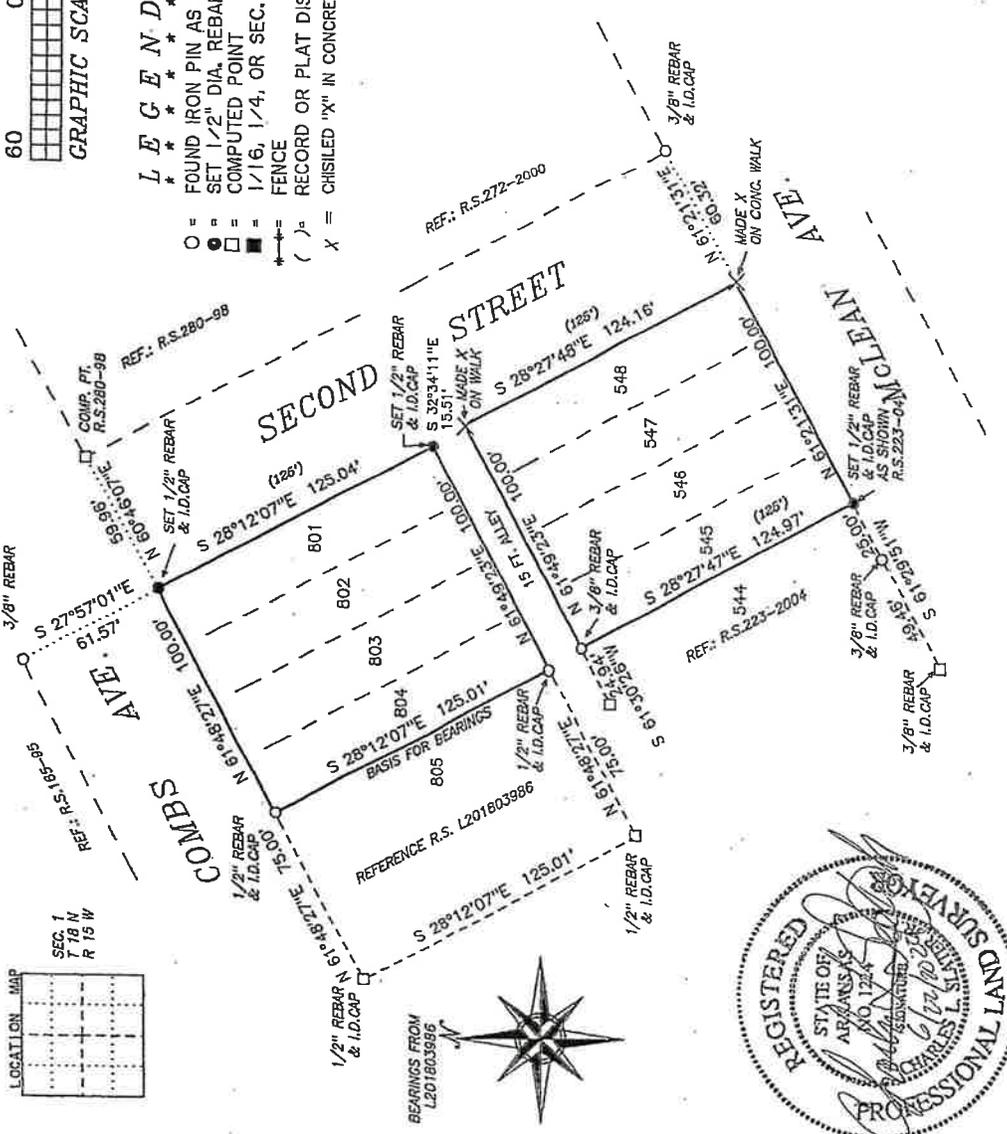
LEGEND
 * * * * *
 * FOUND IRON PIN AS NOTED
 * SET 1/2" DIA. REBAR & I.D. CAP
 * COMPUTED POINT
 * 1/16, 1/4, OR SEC. COR. FOUND
 * FENCE
 * RECORD OR PLAT DISTANCE
 * CHISELED 'X' IN CONCRETE

SURVEY & PLAT FOR:
JASON NAZARENKO
COTTER, AR.
 JUNE 19, 2020
DESCRIPTION:
 LOTS 801,802,803,804
 AND LOTS 545,546,547,548
 CITY OF COTTER,
 BAXTER COUNTY, AR.



L202005972
 BAXTER CO, AR FEE \$15.00
 PRESENTED: 06-22-2020 12:48:08 PM
 RECORDED: 06-22-2020 12:48:08 PM
 CANDA REESE
 COUNTY AND CIRCUIT CLERK
 BY: AMANDA SCHILLING
 DEPUTY
PLATS AND SURVEYS
 1 Page

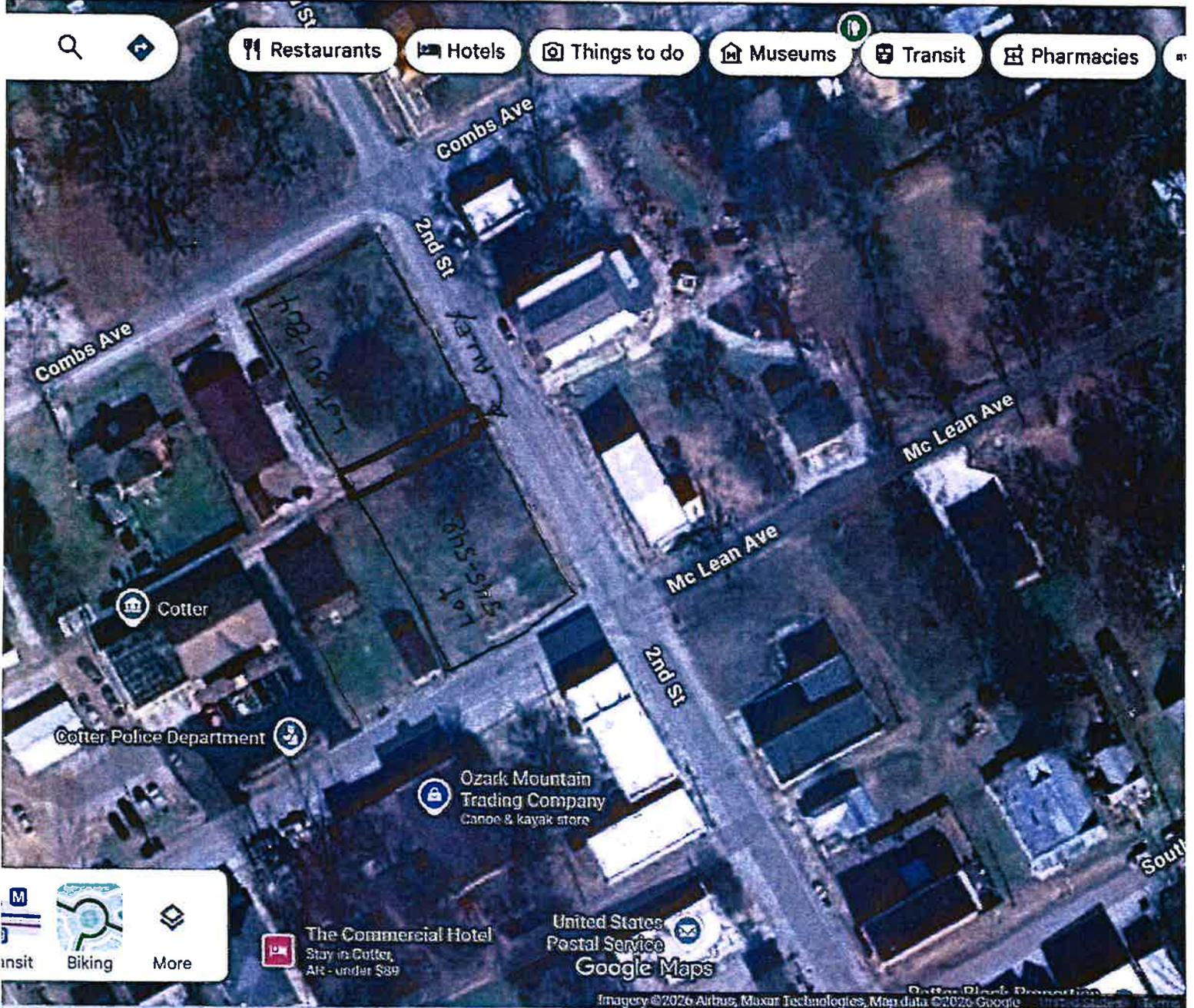
SSM
S S tater Surveying & Mapping
 POST OFFICE BOX 70
 GASSVILLE, ARKANSAS 72836
 (870) 495 - 0005
 CHARLES L. SLATER JR.
 (870) 495-0455



apture (ASDI) Map Viewer Back to Main



479.-92.5384836,209m/data=!3m1!1e3!5m1!1e4?entry=tту&g_ep=EgoyMDI2MDEwNy4wIwKXMDSoKLDEwMDc5MjA2N0gBUAM%3D



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 Google

MCLEAN AVE



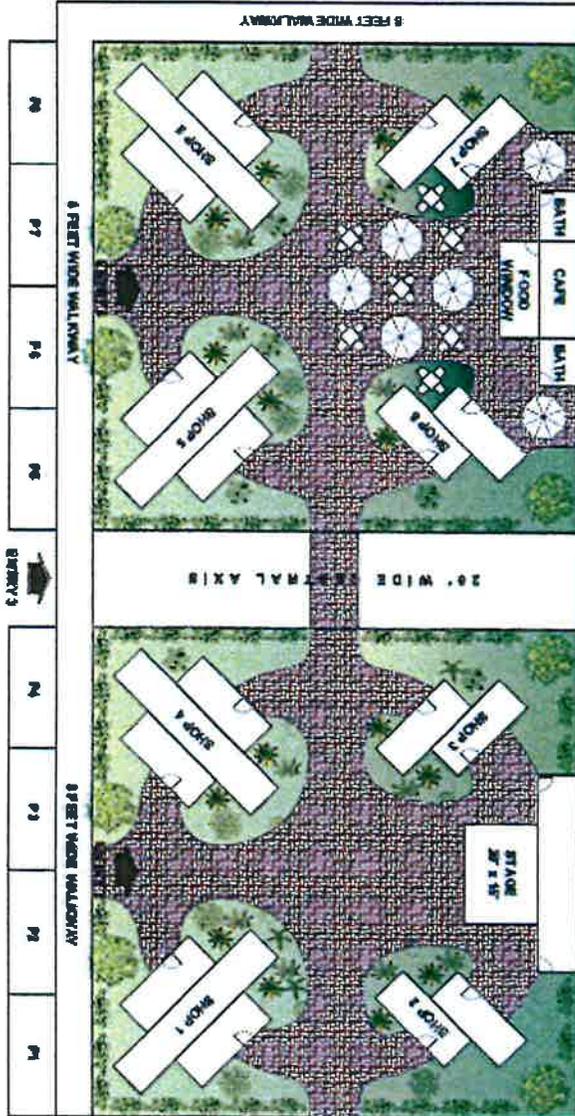
22'-6"

100'

20'

100'

22'-6"



P0

P7

P6

P8



P4

P3

P2

P1

2ND STREET



100'

COMBS AVE