



Planning Commission

Kevin Boortz – Chairman
James Dean – Vice Chairman
Tom Joseph - Secretary
Josh Craine – Member
Candy Black – Member
Donnie Davis - Member

City Staff and Consultants

City Planner – Mark Latham
Planning Tech- Brad Spurlock
Public Works Director- James Clark
Building Inspector- Roger Duncan
City Engineer/Planning Consultant- Garver
City Attorney- Harrington -Miller

Public Hearing/ Board of Zoning Adjustments (BOZA)/ Planning Commission Minutes

Date: Tuesday, May 23, 2023.

Time: 6:00 p.m. – In Person at **Tontitown City Hall**, 201 E. Henri de Tonti Blvd, Tontitown, AR 72770, and **Online Via Zoom and YouTube** (see last page of agenda for information on how to join)

1. Planning Commission Meeting Call to Order
2. Pledge of Allegiance
3. Roll Call

All in attendance

4. Approval of Agenda

Tom Joseph motioned to approve the agenda and scratch the last two.

Second by Josh Craine

Motion Passes Unanimously

5. Approval of the April 25, 2023, minutes

Tom Joseph motioned to approve the agenda.

Second by Josh Craine

Motion Passes Unanimously

6. Comments from Citizens-

Kenneth Lovett 18702 Clearwater Rd., Fayetteville, AR

1. Said a couple months ago there were two gentlemen who were speaking in the foyer about class 4 zoning and how that would put an end to \$250,000.00 homes. Mr. Lovett did not name the gentlemen, but believed they were here at tonight's meeting and should recuse themselves or abstain from the voting.

7. Old Business- NONE

8. New Business- NONE

PUBLIC HEARING

1. **Rezone Request-** The applicant is requesting a rezone of 16 acres from R-E (Residential Estates) to C-T (Commercial Trades & Services) located on Javello Rd. Parcel #'s 830-37883-100 & 830-37883-400.

Danny Montez 714 Belmont Way, Tontitown, AR

1. Said his in-laws stated they did not receive notification of the rezoning request.
2. Doesn't think this is a good time to bring in commercial trade in residential estates/agricultural and requested the planning vote no.

(It was later proven by Brad Spurlock that Mr. Montez in-laws were notified by a signed certified letter)

2. **Variance-**Casalini Warehouse is requesting a variance from setback requirements with the associated Large Scale Development project. Parcel #s 830-37574-000 and 830-37577-000.

Nicco Bersi representing Casalini Warehouse

Why Rezone? This project was originally introduced in 2019 but was put on pause due to more important projects on our plate. At the time, this property fell under the C-2 zoning in Tontitown. Since then, Tontitown has adopted a new zoning called C-T, which is more specific to commercial trades and services. The planning team recommended we Rezone to C-T as it was the zoning that better fit our project. After we completed the Rezone, we discovered that the building setbacks for C-T were much greater than those of C-2. The 0.72 acre lot that was split to hold this building was no longer capable of allowing the same footprint with these increased setbacks.

Variance Request: We are requesting that the City of Tontitown accepts our variance to reduce the setbacks from those of C-T to those of C-2. The subject property is surrounded in all directions for several hundred feet by C-2 zoned properties. All of these properties were built using the same setbacks as which we are requesting for our project. Below is a chart of the C-T to C-2 setback comparison.

Danny Montez 714 Belmont Way, Tontitown, AR

1. Has concerns with employee parking/additional traffic and using the same access as other neighboring businesses.
3. **Appeal Provisional Changes** – amend Tontitown code to accept appeal process changes.
4. **Amendment of R4 Zoning**

Adjournment

BOARD OF ZONING ADJUSTMENTS

1. **Variance-Casalini Warehouse** is requesting a variance from setback requirements with the associated Large Scale Development project. Parcel #: 830-37574-000 and 830-37577-000.

The applicant has resubmitted this variance for the setback reduction. This variance was denied at the last Planning Commission meeting, but the applicant would like to request a reconsideration.

Applicant is requesting setback variances in association with a concurrently submitted Preliminary LSD request to construct a Warehouse / Office building. The site is zoned CT, which requires front, side, and rear building to property line setbacks of 50 ft., 25 ft., and 35 ft. respectively. Site plans submitted shows a proposed 12,650 sf. +/- building, where the front and right/east side setbacks are encroached upon. Therefore, the applicant is seeking zoning setback relief to allow the building to remain in its current size and orientation on the subject property.

Nicco Bersi said he spoke with the City Attorney Justin Eichmann regarding the Variance setback and determined it was worth bringing back to the Planning Commission.

Mayor Angie Russell confirmed Mr. Bersi statement.

**Tom Joseph motioned to approve the variance request/setback.
Second by Kevin Boortz**

Tom Joseph Voted- YES

Candy Black Voted- YES

Kevin Boortz Voted- YES

Donnie Davis Voted- YES

Josh Craine Voted- ABSTAINED

James Dean Voted- ABSTAINED

4 Votes- YES to 2 Votes- ABSTAINED

Motion Passes

Adjournment

PLANNING COMMISSION

1. **Rezone Request-** The applicant is requesting a rezone of 16 acres from R-E (Residential Estates) to C-T (Commercial Trades & Services) located on Javello Rd. Parcel #'s 830-37883-100 & 830-37883-400.

Request to rezone a two piece of land that is 10.49 and 5.43 acres in size from RE to CT.

The future owner of this project is Royal Real Estate, LLC. The property is located on the westside of Javello Road, The applicant is requesting to change the zoning from RE, Residential Estates to CT, Commercial Trades and Services.

Dusty Graham with Core Architects was available for questions.

Josh Craine motioned to Table to the June meeting and to gather more information regarding the 612 off ramp.

Second by Donnie Davis

Donnie Davis Voted- YES

Tom Joseph Voted- YES

Josh Craine Voted- YES

Candy Black Voted- YES

Kevin Boortz Voted- NO

James Dean Voted- NO

4 Votes- YES to 2 Votes- NO

Motion Passes

- 2. Preliminary Large-Scale Development-** Casalini Warehouse is requesting to construct a 12,650 sq. ft. warehouse/office building on 0.72 acres. Parcel #s: 830-37574-000 and 830-37577-000.

Applicant is requesting Preliminary LSD approval to construct a Warehouse / Office building on the approximately 0.72 acres. Site plans submitted shows a proposed 12,650 sf. +/- building and associated off-street parking, solid waste receptacle, stormwater catchment and conveyance, and requisite public water and sewer connections. Vehicle access would be provided, via an existing 20' wide use-in-common access easement connecting the site to Hwy. 412.

Tom Joseph motioned to approve the Casalini Preliminary Large-Scale Development with conditions.

Second by Donnie Davis

Tom Joseph Voted- YES

Donnie Davis Voted- YES

Josh Craine Voted- ABSTAINED

Kevin Boortz Voted- YES

James Dean Voted- NO

Candy Black Voted- YES

4 Votes- YES to 1 Vote- ABSTAINED to 1 Vote- NO

Motion Passes

3. **Waiver – Pam Trucking** – Pam Trucking is requesting a waiver from the Drainage Manual, to waive the requirement to install overflow weirs on flat side slopes of detention facilities with pond depths of 3' or less.

Applicant is requesting a waiver from the City Drainage Manual to waive the requirement to install overflow weirs on flat side slopes of detention facilities with pond depths of 3' or less. This waiver is in association with a previously submitted LSD to construct a 56,000 sf.+/- parking lot expansion on the 4.26-acre site.

Applicant is requesting a waiver from the City Drainage Manual in association with a previously submitted LSD to construct a 56,000 sf.+/- parking lot expansion on the 4.26-acre site. The parking lot is being proposed to support the existing business operations for the property owners (Pam Transportation). The parking lot would be constructed at the rear of an existing parking lot and would be accessed from two locations; that being the western terminus of West Washington Ave., as well as from an existing ingress/egress point along the western side of the business's frontage with Hwy. 412. Since initial plan review and approval by the Planning Commission, City Engineering has found that the proposed stormwater plans will require a Waiver from the City's adopted Drainage Manual. Specifically, the applicant is requesting a waiver from the Drainage Manual, to waive the requirement to install overflow weirs on flat side slopes of detention facilities with pond depths of 3' or less.

Josh Craine motioned to approve the waiver request for PAM with listed conditions and process notes.
Second by Donnie Davis

Motion Passes Unanimously

4. **Appeal Provisional Changes** – amend Tontitown code to accept appeal process changes.

James Dean motioned to approve.
Second by Candy Black

Motion Passes Unanimously

5. **Amendment of R4 Zoning**

Kenneth Lovett 18072 Clearwater Rd., Fayetteville, AR

1. Not for R-4 and would like it completely removed.

Angie Russell 1497 Arbor Acres Rd., Tontitown, AR

1. Listen to the citizens and make R-4 dormant.

Nina Brown 1851 S. Pianalto Rd., Tontitown, AR

1. We need our quiet spaces and requested that R-4 be made dormant.

Stacy Davis (online)

1. Supports making R-4 dormant.

Josh Craine motioned to make R-4 dormant.

Second by James Dean

Josh Craine Voted- YES

Kevin Boortz Voted- NO

James Dean Voted- YES

Candy Black Voted- YES

Tom Joseph Voted- YES

Donnie Davis- Voted- YES

5 voted- YES to 1 vote-NO

Motion Passes

PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL City Council May 16, 2023.

1. **Rezone Request-** The applicant is requesting a rezone of 16 acres from R-E (Residential Estates) to C-T (Commercial Trades & Services) located on Javello Rd. Parcel #'s 830-37883-100 & 830-37883-400.
2. **Amendment of R4 Zoning**

Comments from Staff-

Brad Spurlock said the reports look good for the month.

Mark Latham- The City council is looking at the Comp. Plan for the June meeting approval.

1. **April Building Activity Report**
2. **Current Planning Projects Report**

Comments from Planning-

James Dean-

1. **Thanked everyone for attending the meeting.**

Josh Craine Quote-

"The two enemies of the people are criminals and government, so let us tie the second down with the chains of the Constitution so the second will not become the legalized version of the first."

Thomas Jefferson



Public Hearing and Planning Commission
Meeting May 23, 2023, 6:00 PM
Virtual Meeting Participation Opportunities

Zoom Meeting:

To participate *interactively* in the meeting, you may participate in the meeting via Zoom:

- **By PC, Mac, iOS (iPhone), or Android:**

Join Zoom Meeting:

LINK: https://us06web.zoom.us/webinar/register/WN_2Xxsv8yRRHKxpAXutxZ7Yg

Or go to the zoom website to join: <https://www.zoom.us/join> and enter the Meeting ID: 839 7049 6992

The link above requires you to “register” to participate in the meeting. This consists of signing in with your name, address, etc., as you would at a public meeting. Registering to attend the meeting does not require you to create a zoom account to participate.

Please register prior to the meeting if possible.

Please use your full name (first and last names) as screen name.

- **Join by phone only:**

+1 (312) 626-6799

When prompted for Meeting ID: 839 7049 6992#

If you do not have a Participant Number: press #

- **To comment:**

Use “Raise hand” function when comment for an item is requested

For phone, raise hand to be recognized with *9

Phone numbers used to dial in to meeting will be masked for privacy

All participants will be muted automatically when joining the meeting

YouTube Live:

If you wish to watch Online without interactively participating, you can stream the meeting online via YouTube, from our YouTube Channel:

- **By PC, Mac, iOS (iPhone), or Android:** Navigate to the “Tontitown City Hall” channel:
<https://www.youtube.com/channel/UC1bUv481CeNFF2JNwoOsrNQ>

NEW TO ZOOM? Watch tutorial videos at: <https://support.zoom.us/hc/en-us>

For assistance during the meeting, or for assistance logging into the meeting, please contact Courtney McNair, Garver Urban Planner, at (479) 287-4610, or email at cetmcnair@garverusa.com.