



**Planning Commission**

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

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

Date: Monday, October 17, 2022

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)

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**1. Planning Commission Meeting Call to Order**

**2. Pledge of Allegiance**

**3. Roll Call**

Michael Lunsford was absent

**4. Approval of Agenda**

James Dean motioned to approve the agenda

Second by Josh Craine

Motion Passes Unanimously

**5. Approval of the September 27<sup>th</sup> Meeting Minutes**

Tom Joseph motioned to approve the minutes

Second by James Dean

Motion Passes Unanimously

**6. Comments from Citizens- None**

**7. Old Business- Election of New Chairperson (Tabled September 27, 2022)**

Tom Joseph motioned to elect Kevin Boortz as New Chairperson

Second by Josh Craine

Motion Passes Unanimously

**Josh Craine motioned to elect Michael Lunsford as Vice Chairperson (Kevin Boortz position)**

**Second by James Dean**

**Motion Passes Unanimously**

## **8. New Business**

### **PUBLIC HEARING**

- 1. Rezone North Maestri Road (Highway 112):** The applicant is requesting to rezone several parcels of property from A "Agriculture" to C-2 "General Commercial" on approximately 57 acres on the west side of North Maestri Road. Parcels include 830-38036-000, 830-37780-000, 830-37969-000, and 830-37969-100.

**The purpose of this request is to rezone this property from A-1 to C-2.**

**The property is located on west side of north Maestri Rd. (Hwy 112), and totals approximately 57 acres. There is a significant floodplain area that bisects this site.**

**The surrounding properties are zoned:**

**North-C-1 and R-2**

**East- City of Springdale (residential neighborhood)**

**South – C-2, R-MF, and R-2**

**West-A-1**

- 2. Variance Henri de Tonti Blvd & Bob Griffin (Norris Plaza):** Applicant is requesting a variance of property of code 153.212 "Landscaping, Screening, Fencing, and Buffering". Requesting not to construct 5' landscaping buffer between the parking areas for the proposed parking spaces along south side of the property, and to reduce the required tree perimeter planting.

**Applicant is requesting Large Scale Development (LSD) approval to construct a 10,632 SF commercial building**

**with associated parking and drives. Currently proposed to be 100% Office, as indicated on plans provided. The development site is part of a two-lot development, whereas this project would take place on an existing lot of record – lot 2 @ 2.46 acres +/- . The other lot, lot 1 @ 2.05 acres, is recorded and immediately adjacent and to the west of the development site. Stormwater detention is shown as a proposed detention pond between the east side of the proposed building and the west side of Spallone Blvd. (private).**

**The variance request is to reduce the number of trees required for perimeter screening by one (1) tree, and to reduce the amount of perimeter screening along the south side to zero (0) linear feet. The reason for this request is based on a proposed parking area (8 spaces) being located along the southern side of the site, in an area that would otherwise accommodate a perimeter tree at a ratio of one-tree for every 50 feet, and due to the boundary of the parcel overlapping and being encroached by a private roadway / right-of-way, making it impossible to adhere to this portion of the landscape code.**

3. **Variance 859 Barrington Road (Sloan Crest Subdivision):** Applicant is requesting a variance of Appendix B "Minimum Dimension Standards". Zoning district of R-3 requires a depth of 120 feet. Due to size/shape of the parcel on the proposed width of street right of way, the lots along the north south sides of the proposed east/west street will be approximately 10 feet short of the requirement.

**The applicant is requesting Preliminary Subdivision Plat approval for 31 lots: 30 single-family, 1 detention, on 13.19 acres. The project is located on the west side of Barrington Rd. at its intersection with Taldo Loop, approximately 0.80 miles south of Hwy. 412. There is an existing detached dwelling at the property, addressed as 859 S. Barrington Rd. This property is owned by McDonald Building Group, LLC.**

**The applicant is requesting two (2) Variances:**

- **VARIANCE 1: Proposed lots 1-10, 12-28 do not meet the minimum 120-foot depth requirements. The applicant is requesting a variance to allow lot depths less than the min. required in the R3 Zoning District**

**Micah Thomason- 741 Tuscan Sun, Tontitown, AR said rules and regulations are established to prevent us from having to recalculate and figure out things like absorption of the ground, and what would be installed like asphalt, shingles, and concrete to this area. Mr. Thomason expressed his concerns with the high density and smaller homes and believes this would cause more flooding issues on Barrington. Another issue is the Pump Station that is already there and the moving of sewer lines across Barrington, Mr. Thomason would like this property to look more like the surrounding properties in this area.**

**Jason Wright- 713 Tuscan Sun, Tontitown, AR, echoed what Mr. Thomason said and added concerns of property value, flooding, strains on utilities and the City Fire and Police Departments, Infrastructure due to traffic, noise, and light pollution. Mr. Wright prefers that the homes be like the larger ones.**

**Janet Stocktontaylor 992 Klenc Rd., Tontitown, AR- said she has concerns with flooding and how will the additional houses affect the flooding issues.**

**Gary Kearney 685 Tuscan Sun, Tontitown, AR- would like equivalent homes build, and has concerns with flooding, additional city police/fire will be needed, and more traffic on our roads.**

**Angela Collins 742 Tuscan Sun, Tontitown, AR- would like to see bigger lots and larger homes to flow with the existing area. Mrs. Collins has concerns that building the additional smaller homes would affect the response of the Police and Fire Departments, and with the additional traffic the safety of the kids is concerning.**

4. **Variance 859 Barrington Road (Sloan Crest Subdivision):** Applicant is requesting a variance of Appendix B "Minimum Dimension Standards". Zoning district of R-3 requires lot frontage of 80 feet. Lot 31 is proposed to have approximately 50 feet of frontage.

**VARIANCE 2: Proposed lot 31 does not meet minimum 80 feet lot width along a public street requirement.**

**The applicant is requesting a variance to allow this lot to have approximately 50 feet of lot width / road frontage in lieu of the required 80 feet as required in the R3 Zoning District**

**Micah Thomason- 741 Tuscan Sun, Tontitown, AR said his concerns with the flow to the detention pond and the amount of dirt that will need to be brought in to make it work.**

**Adjournment**

**BOARD OF ZONING ADJUSTMENTS**

- 1. Variance Henri de Tonti Blvd & Bob Griffin (Norris Plaza):** Applicant is requesting a variance of property of code 152.51 "Landscaping, Screening, Fencing, and Buffering". Requesting not to construct 5' landscaping buffer between the parking areas for the proposed parking spaces along south side of the property, and to reduce the required tree perimeter planting.

**Jason Appel with Engineering Services was present to answer questions.**

**Josh Craine motioned to approve variance #1  
Second by Tom Joseph**

**Tom Joseph Voted- NO  
Josh Crane Voted- NO  
Kevin Boortz Voted- YES  
James Dean Voted- ABSTAINED  
Candy Black Voted- NO**

**Motion is Dead**

- 2. Variance 859 Barrington Road (Sloan Crest Subdivision):** Applicant is requesting a variance of Appendix B "Minimum Dimension Standards". Zoning district of R-3 requires a depth of 120 feet. Due to size/shape of the parcel on the proposed width of street right of way, the lots along the north south sides of the proposed east/west street will be approximately 10 feet short of the requirement.

**Jason Appel with Engineering Services was present to answer questions.**

**James Dean motioned to approve  
Second by Josh Craine**

**Tom Joseph Voted- NO  
Candy Black Voted- NO  
Kevin Boortz Voted- YES  
Josh Craine Voted- NO  
James Dean Voted- YES**

## **Motion is Dead**

- 3. Variance 859 Barrington Road (Sloan Crest Subdivision):** Applicant is requesting a variance of Appendix B "Minimum Dimension Standards". Zoning district of R-3 requires lot frontage of 80 feet. Lot 31 is proposed to have approximately 50 feet of frontage.

**Jason Appel with Engineering Services was present to answer questions.**

**Josh Craine motioned to approve  
Second by Tom Joseph**

**Motion Passes Unanimously**

## **Adjournment**

### **PLANNING COMMISSION**

- 1. Rezone North Maestri Road (Highway 112):** The applicant is requesting to a rezone several parcels of property from A "Agriculture" to C-2 "General Commercial" on approximately 57 acres on the west side of North Maestri Road. Parcels include 830-38036-000, 830-37780-000, 830-37969-000, and 830-37969-100.

**James Dean motioned to approve  
Second by Tom Joseph**

**Motion Fails Unanimously**

- 2. 1539 S. Pianalto Road Fence Permit:** The applicant is requesting a fence permit application to install a five (5) foot tall fence, exceeding the 36-inch maximum height allowable in the front yard without Planning Commission approval.

**This has been an ongoing neighbor dispute between the Baskin's and the Odette's, this dispute has escalated to the level of personal and proven allegations against Penny Baskin. This all started over a fence that Mr. Odette installed, this fence was approved by the City Planning Commission which Mrs. Baskin was on at the time and helped pass, the fence was built to city code and passed inspection. The following neighbors made comments and have said this a spiteful attempt by the Baskin's and is unbecoming of a city official, and they have asked the Planning Commission to deny the Baskin's request.**

**Rhonda Doudna 462 Possa Ln, Tontitown, AR  
Angie Russell 1497 Arbor Acers, Tontitown, AR  
Debra Newman 2049 Pianalto, Tontitown, AR  
Mike Lyman 1277 Kelly Ave., Tontitown, AR  
Cindy Lyman 1277 Kelly Ave, Tontitown, AR**

**Tom Joseph motioned to approve**

**Second by Josh Craine**

**Tom Joseph Voted- NO**

**Josh Craine Voted- ABSTAINED**

**Cany Black Voted- NO**

**Kevin Boortz Voted- NO**

**James Dean Voted- ABSTAINED**

**Motion is Fails/Dead**

- 3. Waiver 859 Barrington Road (Sloan Crest Subdivision):** The applicant is requesting a waiver on the maximum length of a cul-de-sac. The proposed lots will all share a single street access point at Barrington.

**Josh Craine motioned to approve waiver**

**Second by Tom Joseph**

**Motion Passes Unanimously**

- 4. Sloan Crest Subdivision:** Applicant has submitted a preliminary plat for a single-family residential subdivision to be built on approximately 13 acres at 859 Barrington Road.

**Josh Craine motioned to approve the Preliminary Plat**

**Second by Tom Joseph**

**Motion Passes Unanimously**

- 5. Norris Plaza Preliminary Large-Scale Development:** Applicant is requesting Large Scale Development (LSD) approval to construct a 10,632 SF commercial building with associated parking and drives on 2.46 acres of land.

**Josh motioned to approve the Large-Scale Development with conditions and process notes**

**Second by Tom Joseph**

**Motion Passes Unanimously**

#### **PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL City Council November 1<sup>st</sup>, 2022**

- 1. Rezone North Maestri Road (Highway 112):** The applicant is requesting to a rezone several parcels of property from A "Agriculture" to C-2 "General Commercial" on approximately 57 acres on the west side of North Maestri Road. Parcels include 830-38036-000, 830-37780-000, 830-37969-000, and 830-37969-100.

**Did not Pass**

**Comments from Staff**

**Mark Latham**

1. Appreciates everyone's involvement in the comp. plan.
2. Have a meeting on Tuesday with road group.
3. Brad has been very busy with 60 building permits.

**Brad Spurlock**

1. Thanked everyone for adjusting their time for this meeting due to early voting.
2. Remember Halloween in the Park is coming up soon and we need candy and donations.

1. September 2022 Building Activity Report
2. Current Planning Projects Report-

**Comment from Planning Commission**

**Tom Joseph**

1. Thinks it's important for members to attend the Tech. Meetings
2. Thanked Mark
3. The roads, stormwater, and funding are a priority, and we are doing our best.

**Josh Craine Quote:**

"In a free country, you have an absolute right to say what you think in public. It doesn't matter who's offended by it." Tucker Carlson

**Kevin Boortz**

1. thanked everyone for coming to tonight's meeting.
2. Working on updating the Comp. Plan and that is the zoning map for Tontitown and included in that is the Master Street Plan working to connect the North, South, East and West corridor with some federal fund (hopefully).
3. Reviewing city codes which will take some time.

4. Thanked the commission for adjusting their time for this meeting and thanked Brad and Mark.

**Adjournment-**

Adjourned-

All in Favor





**Public Hearing and Planning Commission  
Meeting October 17th, 2022, 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\\_2Xxsy8yRRHKxpAXutxZ7Yg](https://us06web.zoom.us/webinar/register/WN_2Xxsy8yRRHKxpAXutxZ7Yg)

**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:**

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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/UCIbUv481CeNFF2JNwoOsrNQ>

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**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](mailto:cetmcnair@garverusa.com).**