



**Planning Commission**

Kevin Boortz – Chairman  
Tom Joseph – Secretary  
Donny Davis – Vice Chairman  
Josh Craine – Member  
James Dean – Member  
Candy Black - 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: Tuesday, March 28, 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)

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

**All in attendance**

4. **Approval of Agenda**

**Josh Craine motioned to approve the agenda.**

**Second by James Dean**

**Motion Passes Unanimously**

5. **Approval of the February 28, 2023, minutes**

**Josh Craine motioned to approve the minutes.**

**Second by Tom Joseph**

**Motion Passes Unanimously**

6. **Comments from Citizens- None**
7. **Old Business**
8. **New Business**

## **PUBLIC HEARING**

1. **Variance** – Copart of Arkansas, Inc. is requesting a variance from the required 100-foot buffer for Auto Wrecking/Salvage Yards. They are requesting this be reduced to a 25-foot buffer. Parcel #: 830-3909-001, 830-37897-007, and 830-37897-006.
2. **Conditional Use Permit** – Copart of Arkansas, Inc is requesting CUP approval to allow an Auto Wrecking/Salvage Yard use within I-Industrial zoning. Parcel #: 830-3909-001, 830-37897-007, and 830-37897-006.

**Kenneth Lovett 18702 Clearwater Rd., Fayetteville, AR**

1. **Needs to have curbs and look nice in the first section.**
3. **Variance** – 2398 E. Brush Creek Rd-Applicant is requesting variance of R-1 lot size of 120' width to 100' width for construction of new house. Parcel #830-37891-531.  
**New property owner Summer Goldman explained how the variance request would help with the flooding issue going north and south and able to build the homes on the top part of the property and then both homes will be out of the flood zone.**

## **Adjournment**

## **BOARD OF ZONING ADJUSTMENTS**

1. **Variance** – Copart of Arkansas, Inc. is requesting a variance from the required 100-foot buffer for Auto Wrecking/Salvage Yards. They are requesting this be reduced to a 25-foot buffer. Parcel #: 830-3909-001, 830-37897-007, and 830-37897-006.

**The way the property is laid out is the reason for the variance request.**

**Developer Eric Trumbach and John Blenker with Westwood were available to answer questions.**

**Tom Joseph motioned to approve the Variance Request.**

**Second by Josh Craine**

**Tom Joseph motioned to approve the Variance Request.**

**Second by Josh Craine**

**Tom Joseph Voted- YES**

**James Dean Voted- NO**

**Donnie Davis Voted- YES**

**Kevin Boortz Voted- YES**

**Josh Craine Voted- NO**

**Candy Black Voted- NO  
Vote is Tied  
Motion is Dead**

2. **Variance-2398 E. Brush Creek Rd** – Applicant is requesting variance of R-1 lot size of 120' width to 100' width for construction of new house. Parcel #830-37891-531.

**James Dean motioned to approve the Variance Request.  
Second by Josh Craine**

**Motion Passes Unanimously**

### **Adjournment**

### **PLANNING COMMISSION**

1. **Baker Subdivision** – Applicant is requesting approval of a subdivision, resulting in a total of four (4) lots, on 1935 Dowell Rd on 37.13 acres. Tontitown code 152.080 requires parcels that have been split more than three (3) times within a 5-year period to be reviewed by the Planning Commission. Parcel #: 830-37891-531

Baker Subdivision is requesting Preliminary and Final Subdivision approval for four (4) lots on 37.13 acres of land. The property is zoned R2, and all lots meet the minimum lot size of one half (½) acre. This property is owned by the Donna Baker Revocable Trust and located within the City Limits of Tontitown.

In order for a subdivision to be considered for administrative approval, it must be split into less than three (3) lots within five (5) years. As this project is requesting four (4) lots, it must process through the full subdivision process and be considered by the Planning Commission.

No new streets or other public infrastructure is being proposed with this subdivision; therefore, it is allowed to be completed as both a preliminary and final plat.

**Clint Circles, the son- in- law of the property owner and Realtor Kela Henderson explained that this is not a subdivision, the property owner is wanting the three existing residential homes to be split off since they already have their own septic system and address and then they can be sold individually instead of selling the whole farm.**

**Josh Craine motioned to approve with conditions.  
Second by Tom Joseph**

**Motion Passes Unanimously**

2. **Pam Trucking Large Scale Development** – Applicant is requesting approval of a Preliminary LSD on W Henri de Tonti Blvd to expand the current parking lot by 155 additional parking spaces on 6.45 acres. Parcel #s include: 830-37520-000, 830-37521-000, 830-3751-001, 830-37525-000, 830-37527-000, and 830-3752-000.

Developer Mr. Bodine was available for questions. (Parking lot correction should be 159)

Josh Craine motioned to approve the Large-Scale Development with conditions and process notes.  
Second by James Dean

**Motion Passes Unanimously**

3. **New Maven Large Scale Development** – Applicant is requesting approval of a Preliminary LSD approval to construct a 7,833 SF commercial building on approximately 0.92 acres, on Lot 3 Admiral Addition. Parcel # 830-38880-000.

Applicant is requesting Preliminary LSD approval to construct a 7,833 sf +/- commercial / retail building, along with associated site improvements and requisite utility connections. In addition to the proposed building, site plans submitted shows associated off-street parking, internal public driveway connections, solid waste receptacle, stormwater catchment and conveyance, and requisite public water and sewer connections. Vehicle access would be provided via a proposed 30' wide ingress/egress curb-cut from the south side of Hwy. 412

Josh Craine motioned to approve the Maven Large-Scale Development with conditions and process notes.  
Second by Donnie Davis

**Motion Passes Unanimously**

4. **Conditional Use Permit** – Copart of Arkansas, Inc. is requesting CUP approval to allow an Auto Wrecking/Salvage Yard use within I-Industrial zoning. Parcel #: 830-3909-001, 830-37897-007, and 830-37897-006.

**Josh Craine motioned to approve the Copart Conditional Use Permit with conditions.  
Second by Donnie Davis**

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

**Voted is Tied**

**Motion is Dead- Applicant can appeal to the City Council**

5. **Waiver**– Copart of Arkansas, Inc. is requesting a waiver of curbing requirements for off-street parking, drives, and landscape areas. Parcel #: 830-3909-001, 830-37897-007, and 830-37897-006.

**Josh Craine motioned to Table.  
Second by Tom Joseph**

**Motion Passes Unanimously**

6. **Copart Large Scale Development** – The applicant is requesting approval of a Preliminary LSD development on W Henri De Tonti Blvd to construct an Auto Wrecking/Salvage Yard on 25.1 acres. Parcel #s: 830-37909-001, 830-37897-007, 830-37897-006.

**Josh Craine motioned to Table.  
Second by Tom Joseph**

**Motion Passes Unanimously**

**PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL City Council March 21, 2023.**

1. **Conditional Use Permit** – Copart of Arkansas, Inc. is requesting CUP approval to allow an Auto Wrecking/Salvage Yard use within I-Industrial zoning. Parcel #s: 830-3909-001, 830-37897-007, and 830-37897-006.

**This item did not pass, and the applicant can appeal to the City Council.**

**Comments from Staff**

**Brad Spurlock**

1. We have several pre-approved commercial projects we'll be doing some permitting on.

**Mark Latham**

1. The Comprehensive Plan will meet next week and hopefully we can vote on it at the next Planning Commission Meeting.
2. The next Tech. Meeting will be next Tuesday April 4<sup>th</sup> at 10:00 AM.
3. Two projects will be submitted to the next Committee of the Whole Meeting regarding roads, first we are seeking funding for a left-hand turn signal along with lighting at the intersection of 412 and Barrington, second, a pedestrian tunnel underneath highway 412. The cost for both is roughly six million dollars.

**Comments from Commission**

**Tom Joseph**

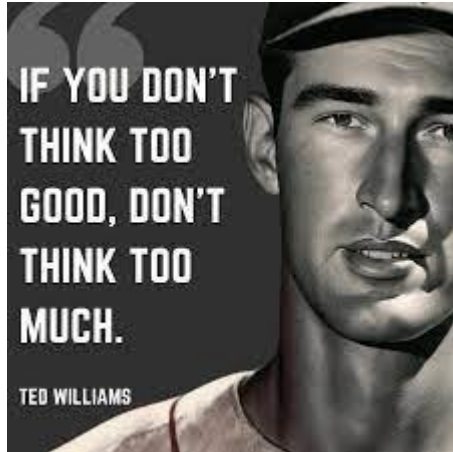
1. Disappointed that we said no to a business with a significant tax revenue opportunity.
2. At the next planning meeting include the following item, Discuss Bill of Assurance vs Performance Bonds for Future Developments on the Board of Adjustments.

**James Dean**

1. Thanked everyone for coming out and the citizen's input.
2. Thanked the staff for all their hard work.

Josh Craine

Quote



Kevin Boortz

1. Attended the 1% Sales Tax Discussion with City Council last night, and the city is seeing a monthly decline of \$35,000.00 to \$50,000.00 compared to last year, not sure where the decline is coming from but over a 12-month period that is a significant decline to the city budget.
2. Comprehensive Plan is April 6<sup>th</sup> at 10:00 AM.

February Building Activity Report

Current Planning Projects Report

Reference the city website for both detailed reports.

**Adjournment** - Tom Joseph motioned to adjourn      All in Favor



**Public Hearing and Planning Commission  
Meeting March 28, 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\\_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:**

+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/UClbUv481CeNFF2JNwoOsrNQ>

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