



**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-Zak Johnston  
City Attorney- Harrington -Miller

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

Date: Tuesday, September 26, 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**

James Dean motioned to approve.

Second by Donnie Davis

Motion Passes Unanimously

**5. Approval of the August 22, 2023, minutes**

Josh Craine motioned to approve.

Tom Joseph

Motion Passes Unanimously

**6. Comments from Citizens**

NONE

**7. Old Business- NONE**

**8. New Business**

**PUBLIC HEARING**

1. **Rezone Request-** Applicant is requesting a rezone of 3 acres from A (Agriculture) to 2 separate tracts of R-1 (Residential) and LI (Light Industrial) at 1583 Arbor Acres Rd. Parcel # is 830-38356-000.

**Tammy Graham 984 S. Pinalto Rd., Tontitown, AR**

**Nina Brown 1851 S. Pinalto Rd., Tontitown, AR**

**Debra Newman 2049 Pinalto Rd., Tontitown, AR**

**The above residents are opposed to the rezoning for the following reasons.**

1. **Another business was not allowed so this should not be allowed.**
2. **Traffic issues.**
3. **Need to keep in mind the city codes and vision for Tontitown.**
4. **Need to think about long term consequences of this request.**
5. **No industrial Park in wanted in this area.**

**The owner Bobby Russell said there will be a privacy fence on the back of the property and Waste Management is surrounding the other sides.**

2. **Rezone request-**Applicant is requesting a rezone of 3.27 acres from R-E (Residential Estates) to C-2 (General Commercial) at 1438 Arbor Acres. Parcel #: 830-38352-007

**The above residents are opposed to the rezoning for the following reasons.**

**Nina Brown 1851 S. Pinalto Rd., Tontitown, AR**

**Tammy Graham 984 S. Pinalto Rd., Tontitown, AR**

**Rebecca Timmons 2024 S. Pinalto, Tontitown, AR**

1. Doesn't want a cement plant. (Tontitown's Planning Tech. Brad Spurlock said this is not a cement plant, the owner is a concrete finisher.)
2. This request would increase noise, dust, and traffic.
3. Damage to the street.
4. Who would maintain the roads.
5. Where would the routes be for big trucks.
6. This property is an eye sore; it has old junk cars and trucks.
7. Property is not taken care of.

Brad Spurlock said the applicant was in violation and has paid the fines. The applicant wants to park equipment but cannot under the current zoning.

The applicant Victor Mater was present made the following comments.

1. Understands the concerns of the residents.
2. Doesn't want to be in violation and will do whatever the city requires of him.

3. Didn't understand city codes.
  4. Mr. Mater has been paying taxes and has no business.
  5. Is willing to build a building to store all equipment.
  6. Would like to build two homes on the same parcel.
  7. All equipment is operable.
3. **Rezone request** – Applicant is requesting a rezone of 2 acres from R-E (Residential Estates) to R-1 (Residential) at 3094 Brush Creek Rd (Kenneth Price Rd). Parcel #: 830-37903-900 & 830-37903-200

**No Public Comments**

**Adjournment**

**BOARD OF ZONING ADJUSTMENTS**

**Adjournment**

**PLANNING COMMISSION**

1. **Rezone Request-** Applicant is requesting a rezone of 3 acres from A (Agriculture) to 2 separate tracts of R-1 (Residential) and LI (Light Industrial) at 1583 Arbor Acres Rd. Parcel # is 830-38356-000.

The owners of this property are Robert and Angela Russell. The owners of this property are requesting this rezone to operate an auto repair business and a future home on the residential property. The property is located on the southwest side of the Waste Management landfill.

James Dean motioned to approve the rezone request.  
Second by Tom Joseph

Tom Joesph Voted- NO  
Candy Black Voted- NO  
Kevin Boortz Voted- YES  
Donnie Davis Voted- YES  
Josh Craine Voted- ABSTAIN  
James Dean Voted- YES

Vote is 2 Votes- NO to 3 Votes- YES (4 Votes is needed to Pass or Fail)  
Motions is Dead

2. **Rezone request-** Applicant is requesting a rezone of 3.27 acres from R-E (Residential Estates) to C-2 (General Commercial) at 1438 Arbor Acres. Parcel #: 830-38352-007

The owner of this property is Victor Matar. Mr. Matar is requesting this rezone to operate his concrete business at this location. He currently owns both properties west of this area. The property is located on the north side of Arbor Acres Road, across from Waste Management.

Josh Craine motioned to approve the rezone request- R-E to C-2.  
Second by Donnie Davis

Motion Fails Unanimously

- 3. Rezone request** – Applicant is requesting a rezone of 2 acres from R-E (Residential Estates) to R-1 (Residential) at 3094 Brush Creek Rd (Kenneth Price Rd). Parcel #s: 830-37903-900 & 830-37903-200.

The owners of this property are Brian and Michelle Lehmann. Lehmann's are requesting a rezone 2.00 acres to build a primary residence. The applicants did not provide a reason for their request, but the property has an overhead powerline which hinders the availability of home location on property. The property is located on the west side of Kenneth Price Road.

**Owner Brian Lehmann was present to answer any questions the commission needed answered.**

Tom Joesph motioned to approve the rezone request from R-E to R-1.  
Second by Josh Craine

Motioned Passes Unanimously (Move to the next City Council Meeting)

- 4. Preliminary Large-Scale Development** – Vapor Maven is requesting an LSD of a 107,000 sq ft. building of a mixed use of retail and warehouse use. The property is located at 516 W Henri De Tonti Blvd. Parcel #: 830-37654-000

Applicant is requesting Preliminary LSD approval to construct a 107,000 sq.ft. mixed use (retail and warehouse) building on an approximately 10.6 AC tract of land along the W Henri de Tonti BLVD. Plans show associated off-street parking, solid waste receptacles, stormwater catchment and conveyance, and requisite public water and sewer connections. Access to the site will be provided via two drives on W Henri de Tonti BLVD.

James Dean motioned to approve with listed conditions.  
Second by Candy Black

Motion Passes Unanimously

#### **PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL City Council Oct. 17, 2023.**

- 1. Rezone request** – Applicant is requesting a rezone of 2 acres from R-E (Residential Estates) to R-1 (Residential) at 3094 Brush Creek Rd (Kenneth Price Rd). Parcel #s: 830-37903-900 & 830-37903-200.

#### **Comments from Staff**

1. **August Building Activity Report- Reference the city website for detailed report.**
2. **Current Planning Projects Report- Reference the city website for detailed report.**

**Mark Latham**

1. **Impact Fees passed at the last City Council Meeting.**
2. **Crafton Tull heritage District will bring information to the next City Council Meeting.**
3. **The 10 Year Capital Improvements Plan passed was passed at the last City Council Meeting.**

#### **Comments from Commissioners**

**Candy Black**

1. **Asked that Mr. Mater get the guidance needs to move forward.**

**Tom Joseph**

1. **Blessed to be in NW Arkansas even though it may be in a slowdown.**
2. **Things are changing but good things are on the horizon.**
3. **Excited for Tontitown.**

**James Dean**

1. **The Planning Commission has a lot of information to guide them, being our staff, engineers, codes for different projects. There is no, what's good for the goose is good for the gander. L-1 (light industrial and the C-2 are totally different, different areas and lie in different areas and different things you can do within those rezonings, we have to consider each and every project.**

**Josh Craine Quote**

Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one.

**[Thomas Paine](#)**

1. Thank everyone for coming to tonight's meeting.

**Kevin Boortz**

1. Thanked everyone for attending tonight's meeting.
2. Thanked the two members of council for attending.

**Adjournment- All in Favor**



**Public Hearing and Planning Commission  
Meeting September 26 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](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>

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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).**