

Pea Ridge Planning Commission

Board of Adjustments

April 4th, 2023

6:00 p.m.

1. Open Meeting

The April 4th, 2023, Pea Ridge Planning Commission meeting was called to order at 6:00 p.m. by, Planning Director Jessica Grady.

2. **Planning Director Jessica Grady requested a motion.** The motion was made to appoint Commissioner Michael Wilhelm as Chairperson for the April 4th, 2023, Planning meeting due to Chairperson Al Fowler and Vice Chairperson Greg Pickens absence.

Secretary Samantha Flint - Present

Commissioner Chris Johnson - Present

Commissioner Dr. Karen Sherman – Present

Commissioner Michael Wilhelm – Abstained

Commissioner Carlyne Wendel - Present

Motion passed unanimously.

3. Roll Call

Roll call was taken by Planning Director, Jessica Grady.

Roll Call:

Chairperson Al Fowler - Absent

Vice Chairperson Greg Pickens - Absent

Secretary Samantha Flint - Present

Commissioner Chris Johnson - Present

Commissioner Dr. Karen Sherman – Present

Commissioner Michael Wilhelm – Present

Commissioner Carlyne Wendel - Present

(Additional attendees are listed on the sign-in sheet)

4. Review Minutes from the March 7th, 2023, Planning Commission Meeting

Commissioner Dr. Karen Sherman motioned to approve the March 7th, 2023, Planning Commission minutes.

Commissioner Chris Johnson seconded the motion.

Votes:

Secretary Samantha Flint - Yes

Commissioner Chris Johnson - Yes

Commissioner Dr. Karen Sherman – Yes

Commissioner Michael Wilhelm – Yes

Commissioner Carlyne Wendel - Yes

Motion passed unanimously.

5. Announcements

- Planning Commissioner training with Northwest Arkansas Regional Planning is set for April 18th, 2023, at 6:00 pm.
- The updated Master Bike/Ped Plan was adopted by the City Council at the March meeting.
- The Planning Department submitted the Public Spaces Grant application.

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6. Public Hearing

Interim Chairperson Michael Wilhelm opened for public comments.

- Epic Life – Conditional Use Permit; 590 S. Curtis Ave.; Parcel # 13-00533-000; Tabled from the March 7th, 2023, Planning meeting.
The Planning Director stated, Epic Life Church withdrew their Conditional Use Permit Request.
No public comment.
- Young, Michael & Melissa – Sugar Creek Rd.; Rezone Ag to R1; Parcel # 13-01200-020; 4 acres
Michael and Melissa Young stood to speak about their rezone request to go from Ag to R1. The purpose of the rezone is to make parcel conforming when they request a lot split in the coming months.
No public comment.
- Keller, Michael Trust– 290 Hallack Ln.; Rezone R1 to C1; Parcel # 13-00695-000; 2 acres
Kaitlyn Keller, trustee for the Michael Keller Trust, stood to speak about her rezone request to go from R1 to C1. The property is currently being used as a rental property. The future purpose is to use the location for commercial space.
Public Comment:
Jerry Burton, a surrounding property owner, stated he does not support the rezone request. He is concerned about Hallack Lane being able to support the current residence in that area and feels a commercial property would make the issue worse.
- Lucariello, Vicki – 892 Slack St.; Rezone RE to C1; Parcel # 13-00952-015; 0.52 acre
Mike and Vicki Lucariello (Henson) stood to speak about their rezone request. The request is to go from Ag to C1 for the purpose of selling the property for commercial use.
No public comment.
- Herrington, Shawn – 772 W. Pickens Rd.; Rezone R1 to R3; Parcel # 13-00164-002; 2.23 acres
Chris Tilley, a representative with Odyssey Engineering, and Shawn Herrington, the property owner, stood to speak about the rezone request to go from R1 to R3. The purpose is to develop the property in the future. There are no current plans as to what kind of development. The property is North of the Pea Ridge Jr. Highschool, East of a multi-family development, and the property line is about twenty (20) feet from his house.
No additional comments were made.
- Cotton, Roy & Tidwell, Brian – Variance; 560 N. Curtis Ave.; 1.01 acre
Roy Cotton stood to speak about his variance request for his property located at 560 N. Curtis Ave. They are requesting a variance to the minimum lot width requirement of 100

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ft to 90 ft. They are also requesting a lot split for their 1.01 acre and they currently do not have enough lot width for each lot.

Public Comment:

Margaret Cheek, asked if the property north of 560 N. Curtis is owned by the gas company. She was also concerned if this request would go passed the gas company's property onto her property. Commissioner Dr. Karen Sherman stated the property is owned by the gas company and it would not go further onto Mrs. Cheek's property.

No additional comments were made.

Interim Chairperson Michael Wilhelm closed the public comments and re-opened the Planning Commission meeting.

7. Old Business

Epic Life – Conditional Use Permit; 590 S. Curtis Ave.; Tabled from the March 7th, 2023, Planning meeting. The Planning Director stated, Epic Life Church withdrew their Conditional Use Permit Request.

8. New Business

- Young, Michael & Melissa – Sugar Creek Rd.; Rezone Ag to R1; Parcel # 13-01200-020; 4 acres

Michael and Melissa Young stood to speak about their rezone request to go from Ag to R1. The purpose of the rezone is to make to parcel conforming when they request a lot split in the coming months.

Commissioner Dr. Karan Sherman motioned to approve the rezone for Michael and Melissa Young, from Ag to R1 for their four (4) acre parcel, located on Sugar Creek Rd., for parcel # 13-01200-020.

Commissioner Carolyn Wendell seconded the motion.

Votes:

Secretary Samantha Flint - Yes

Commissioner Chris Johnson - Yes

Commissioner Dr. Karen Sherman – Yes

Commissioner Michael Wilhelm – Yes

Commissioner Carolyne Wendel - Yes

Motion passed unanimously.

- Keller, Michael– 290 Hallack Ln.; Rezone R1 to C1; Parcel # 13-00695-000; 2 acres
Kaitlyn Keller, trustee for the Michael Keller Trust, stood to speak about her rezone request to go from R1 to C1. The property is currently being used as a rental property. The future purpose is to use the location for commercial space. Commissioner Dr. Karen Sherman stated, if the property were to be rezoned to commercial, street development will be required should any commercial development occur. The development would need to come from Slack Street onto Hallack Lane down to the front of the property. Commissioner Chris Johnson asked if this property falls within the Commercial

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Comprehensive Plan or is adjacent to it. Planning Director Jessica Grady stated it is adjacent to the Commercial Comprehensive Plan but does not fall within it.

Commissioner Samantha Flint stated her concerns for the street infrastructure in that area and feels it may not support the additional commercial use.

Commissioner Chris Johnson motioned to table the Michael Keller Trust rezone request.

Commissioner Carlyne Wendell seconded the motion.

Votes:

Secretary Samantha Flint - Yes

Commissioner Chris Johnson - Yes

Commissioner Dr. Karen Sherman – Yes

Commissioner Michael Wilhelm – No

Commissioner Carlyne Wendel - Yes

Motion to tabled passed; Four (4) - Yes; One (1) - No

- Lucariello, Vicki – 892 Slack St.; Rezone RE to C1; Parcel # 13-00952-015; 0.52 acres
Mike and Vicki Lucariello (Henson) stood to speak about their rezone request. The request is to go from Ag to C1 for the purpose of selling the property for commercial use.

Commissioner Chris Johnson motioned to approve the rezone request, for RE to C1, located at 892 Slack Street, for Vicki Lucariello.

Commissioner Samantha Flint seconded the motion.

Votes:

Secretary Samantha Flint - Yes

Commissioner Chris Johnson - Yes

Commissioner Dr. Karen Sherman – Yes

Commissioner Michael Wilhelm – Yes

Commissioner Carlyne Wendel - Yes

Motion passed unanimously.

- Herrington, Shawn – 772 W. Pickens Rd.; Rezone R1 to R3; Parcel # 13-00164-002; 2.23 acres

Shawn Herrington stood to speak about his rezone request to go from R1 to R3. The purpose is to develop the property in the future. There are no current plans as to what kind of development.

Commissioner Dr. Karen Sherman motioned to approve the rezone for Shawn Herrington, for R1 to R3, located at 772 W. Pickens Rd.

Commissioner Chris Johnson seconded the motion.

Votes:

Secretary Samantha Flint - Yes

Commissioner Chris Johnson - Yes

Commissioner Dr. Karen Sherman – Yes

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Commissioner Michael Wilhelm – Yes

Commissioner Carlyne Wendel - Yes

Motion passed unanimously.

City Attorney Shane Perry advised the Commission to close the Planning meeting and open the Board of Adjustments to hear the variance request for Roy Cotton and Brian Tidwell. His concern was to protect everyone involved and to ensure the correct procedure was being followed.

Commissioner Chris Johnson motioned to close the Planning meeting and open the Board of Adjustments.

Commissioner Carlyne Wendell seconded.

Motion carried.

Planning meeting was closed and Board of Adjustments was opened.

9. Board of Adjustments

- Cotton, Roy & Tidwell, Brian – 560 N. Curtis Ave. and Parcel # 13-00956-000; Variance Roy Cotton stood to speak about his variance request for his property located at 560 N. Curtis Ave. They are requesting a variance to the minimum lot width requirement of 100 ft to 90 ft. They are also requesting a lot split for their 1.01 acre and they currently do not have enough lot width for each lot.

Shane Perry, Pea Ridge City Attorney, stated the property owners are creating a self-imposed hardship and asking for a variance request. He went on to say, as the law states this cannot be done, the property owners are required to have one hundred (100) feet minimum of lot width and street frontage. Variance requests are used to address non-conforming or peculiar lot formations. Roy Cotton's property is square shape with standard street frontage. He continued saying, the property owners could petition the City Council to review the codes and request a change for the minimum lot width, but it is one hundred (100) feet at this time. He finished his statement by saying "In this current situation, variance laws will not allow this variance request".

The Commissioners also raised concerns about the precedent this would create.

Commissioner Chris Johnson motioned to deny the variance request for Roy Cotton & Brian Tidwell, located at 560 N. Curtis Ave.

Commissioner Carlyne Wendell seconded the motion.

Votes:

Secretary Samantha Flint - Yes

Commissioner Chris Johnson - Yes

Commissioner Dr. Karen Sherman – Yes

Commissioner Michael Wilhelm – Yes

Commissioner Carlyne Wendel - Yes

Motion to deny passed unanimously.

The Board of Adjustments was closed and the Planning Commission meeting was re-opened.

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8. New Business (continued)

- Cotton, Roy & Tidwell, Brian – Lot Split; 560 N. Curtis Ave. and Parcel # 13-00956-000; 1.01 acre
Roy Cotton stood to speak about his lot split request for his property located at 560 N. Curtis Ave. They are requesting a lot split for their 1.01-acre parcel and a variance to the minimum lot width requirement of 100 ft to 90 ft. They currently do not have enough lot width for each lot. Roy Cotton withdrew their lot split request due to their variance request being denied by the Board of Adjustments.
- Jones, Kinty – 6063 Hayden Rd.; Lot Split; Parcel # 18-07724-000; 34.85 acres
Clayton, with Blue and Associates, stood to represent Kinty Jones lot split application. The lot split request is to split parcel # 18-07724-000 into a ten (10) acre parcel and a 24.85-acre parcel. They are also presenting a thirty (30) foot access easement off Hayden Rd, across 6063 Hayden Rd. to parcel # 18-07724-000. The current plan is to develop this property for a personal home.
Commissioner Carolyn Wendell motioned to approve the lot split for parcel # 18-07724-000.
Commissioner Chris Johnson seconded the motion.
Votes:
Secretary Samantha Flint - Yes
Commissioner Chris Johnson - Yes
Commissioner Dr. Karen Sherman – Yes
Commissioner Michael Wilhelm – Yes
Commissioner Carolyne Wendel - Yes
Motion passed unanimously.
- Vote to Recommend Planning Commission By-Laws Update.
Planning Director Jessica Grady requested the Commission table the By-law update till the Commission has full attendance.
Commissioner Carolyn Wendell motioned to table the By-law update.
Commissioner Chris Johnson seconded the motion.
Votes:
Secretary Samantha Flint - Yes
Commissioner Chris Johnson - Yes
Commissioner Dr. Karen Sherman – Yes
Commissioner Michael Wilhelm – Yes
Commissioner Carolyne Wendel - Yes
Motion to table passed unanimously.

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10. Adjourn

Commissioner Chris Johnson motioned to adjourn.

Commissioner Carlyne Wendell seconded the motion.

Motion passed unanimously.

Respectfully submitted by:

Approved by:

Jessica Grady

Planning Director

Al Fowler

Chair person