

Tontitown Planning Commission Meeting Agenda 11/27/07

Roll Call

New Member Joey Pianalto

Approval of Agenda

Approval of Minutes for 10/23/07 meeting

Old Business

A. Plat Timing Regulation

New Business

A. McDonalds

B. Minimum Standards for Private Roads

Comments from Mayor

Comments from Commissioners

Adjourn

TONTITOWN PLANNING COMMISSION MEETING MINUTES
10/23/07

ROLL CALL:

David Bolinger	Present
Bill Brandt	Present
Norbert Ranalli	Present
Jerome Fantinel	Present
Julie Bowling	Absent
Karen Inlow	Absent
Tommy Granata	Absent

APPROVAL OF AGENDA:

Made by a motion of Bill Brandt. Seconded by Norbert Ranalli. Passed unanimously.

APPROVAL OF MINUTES FOR 09/25/07 meeting:

Motion was made to table the approval of these minutes by Norbert Ranalli. Seconded by Bill Brandt. Approved unanimously.

OLD BUSINESS:

A. None.

NEW BUSINESS:

A. Election of new Planning Commission officers:

Bill Brandt nominated David Bolinger, which was seconded by Norbert Ranalli and approved unanimously by acclamation. Election for Vice-Chairman - Norbert Ranalli nominated Tommy Granata which was seconded by Bill Brandt and passed unanimously by acclamation. Election for Secretary - Bill Brandt nominated Julie Bowling which was seconded by Norbert Ranalli and passed unanimously by acclamation.

B. Consider Atwood lost split request:

Dr. Atwood through Mike Millan of Springdale Engineering Services requested a tract split and was asking for a variance with regard to the frontage requirement of 50 feet to 20 feet. David Gilbert, engineer for the City, had 12 separate issues with regard to this lot split. The main issue that Mr. Gilbert had was that he was unaware of the exact measurement of road frontage found on this property and had requested this information from the applicant, however, the applicant had failed to provide this information to the City. J.R. Carroll, counsel for the City, proposed that the applicant could either on his own motion table his application until next month at which time he could provide all of the requested information by the City engineer, or he could request a vote now requiring the Planning Commission to vote given all the uncertainties with the proposed lot split. The applicant chose to table his application until next month. Bill Brandt made a motion to accept the applicant's request to table the lot split which was seconded by Norbert Ranalli, and passed unanimously.

C. Consider Springdale rezoning resolution for Riggins' property:

Mr. Riggins and his attorney discussed this matter with the Planning Commission. They stated that

the project had passed through the Springdale Planning Commission/City Council without any adjoining landowners disputing this property. The portion of the property located closest to Springdale is zoned C-5, while they had requested that the portion of the property located closest to Tontitown be rated MF-24 which is 24 residential units per acre, however, as a concession to the Springdale City Council, they had lowered that number to MF-16, which is 16 residential units per acre. Mr. Riggins stated that he expected it to look like a Lindsey project for the amount of money that the purchaser was potentially buying the property for at this time. Mr. Riggins is the current owner of the property and has the property under contract with a potential buyer, if the rezoning goes through. James and MaryAnn Kisner, 686 Apple Blossom Lane in Tontitown came out in opposition and stated that most of the residential property around this area in Tontitown are on two-acre lots and some are on 5-acre lots. There was discussion from Bill Brandt regarding the fact that 112 will eventually be commercial, however, the commercial area as it stands today is closer to 412. Jeff Hawkins stated that the zoning plan attempts to stay away from spot zoning which, as it stands today, this project would be a spot of commercial zoning. When this matter was taken for vote, Bill Brandt recommended to pass the resolution which was seconded by Norbert Ranalli. Bill Brandt voted yes, Norbert Ranalli voted no, Jerome Fantinel voted no, and Dave Bolinger, as acting Chairman of the Planning Commission in Granata's absence, did not vote due to the fact that his vote would not change the outcome of the matter. Norbert Ranalli made a motion to adjourn which was seconded by Jerome Fantinel, and it was unanimous in the motion to adjourn.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 150 and 152 OF THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Chapters 150 and 152 of the Code of Ordinances of the City of Tontitown, Arkansas, contains the City's building and subdivision regulations;

WHEREAS, it is in the best interest of the City of Tontitown, Arkansas, to amend the building and subdivision regulations; and

WHEREAS, this regulation is not intended to apply retroactively to any projects or applicants that have already received approval for their large scale development, planned unit development or subdivision;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

Chapter 150 of the Tontitown Code of Ordinances is hereby amended as follows:

(1) Section 150.02(F) (14) is hereby added to read as follows:

(A) *Large-scale development.* All large-scale developments shall be reviewed and shall meet all those requirements regulating large-scale developments regardless of the size of tract. The fee schedule for large-scale development applications are located at subchapter § 152.74. All fees are payable prior to the large-scale review and are not refundable in any case.

(B) Any applicant who submits an application for a large scale development, planned unit development, or subdivision that receives final approval by the planning commission shall commence construction of the project within one year from the date of the planning commission's approval.

(C) If the applicant does not commence construction within the time period of this subsection, the planning commission's approval of the project will be considered null and void, and the applicant will be required to resubmit his or her plans to the planning commission for approval.

(D) "Commencement of construction" is defined as "any clearing of the land, excavation, construction, or other substantial action that would adversely affect the natural environment of the site."

(E) The Code Enforcement Officer of the City of Tontitown will make the determination as to whether construction has commenced on the project within the time period of this subsection.

Chapter 152 of the Tontitown Code of Ordinances is hereby amended as follows:

(2) Section 152.21 (D) is hereby amended to read as follows:

(D) *Preliminary plat review.*

(1) Upon receipt of the preliminary plat, the Administrative Officer shall check the plat to determine whether all information required by this section is included on the plat. When he or she is satisfied that all such necessary information is included, the Administrative Officer shall transmit copies of the plat to each member of the Planning Commission. Until such time as the establishment of a Technical Advisory Committee shall be deemed advisable, the Administrative Officer shall transmit to each of the persons or agencies hereinafter listed one copy of the preliminary plat:

- (a) The Building Inspector of the City of Tontitown;
- (b) The Southwestern Bell Telephone Company;
- (c) The Ozarks Electric Cooperative Corporation;
- (d) The Water and Sewer Department of the City of Tontitown;
- (e) The Northwest Arkansas Regional Planning Commission;
- (f) The Washington County Planning Board, if outside the city limits;
- (g) Arkansas Western Gas Company.

(2) Upon receipt of the recommendations of the persons or agencies enumerated in subsection (1) of this division, the Planning Commission shall within 90 days of the date the plat was received approve or reject the preliminary plat. Failure to act on the plat within the 90-day period shall be deemed approval of the plat; if rejected, the Planning Commission shall note the reasons for rejection upon the plat, returning one copy to the developer and retaining one copy for filing.

(3) Any applicant who submits an application for a subdivision that receives preliminary plat approval by the planning commission shall commence construction of the project within one year from the date of the planning commission's approval.

(4) If the applicant does not commence construction within the time period of this subsection, the planning commission's approval of the project will be considered null and void, and the applicant will be required to resubmit his or her preliminary plat to the planning commission for approval.

(5) "Commencement of construction" is defined as "any clearing of the land, excavation, construction, or other substantial action that would adversely affect the natural environment of the site."

(6) The Code Enforcement Officer of the City of Tontitown will make the determination as to whether construction has commenced on the project within the time period of this subsection.

PASSED AND APPROVED this ____ day of _____, 2007.

APPROVED:

Mayor

ATTEST:

City Recorder/Treasurer

SPONSOR:
