

Tontitown Planning Commission Meeting Agenda 12/26/07

Roll Call

Swearing in of all by Tom Lundstrum

Approval of Agenda

Approval of Minutes for 9/25/07 and 11/27/07 meeting

Old Business

A. McDonalds, landscape change

New Business

A. Walgreens

Comments from Commissioners

Adjourn

TONTITOWN PLANNING COMMISSION MEETING MINUTES
11/27/07

ROLL CALL:

David Bolinger	Present
Bill Brandt	Present
Norbert Ranalli	Present
Jerome Fantinel	Absent
Julie Bowling	Present
Joey Pianalto	Present
Tommy Granata	Absent

APPROVAL OF AGENDA:

Motion to approve the agenda was made by Norbert Ranalli and seconded by Bill Brandt. It passed unanimously by acclamation.

APPROVAL OF MINUTES FOR 10/23/07 meeting:

Motion was made by Bill Brandt and seconded by Norbert Ranalli. It passed unanimously by acclamation.

OLD BUSINESS:

A. Plat Timing Regulation.

J.R. Carroll, Counsel for City of Tontitown, discussed the reasoning behind the ordinance as well as the positives and negatives for the ordinances. The ordinance is designed to prevent developers from getting their large scale development or subdivision passed and then sitting on the plans for several years after the City has changed its planning regulations. It also discusses the definition of “commencement of project” as well as the fact that Shane Harrison will be in charge of monitoring the commencement of all projects.

NEW BUSINESS:

A. McDonalds.

There was a lengthy discussion with representatives of McDonalds regarding the items listed by EGIS in its letter to the City of Tontitown, dated November 26, 2007. The main issues for clarification were under Code Section 150.02 (F) (4) regarding the fixture and the fact that the code required sodium light bulbs. Sodium light bulbs are the lights that have more of a yellow glow and McDonalds wanted to use a metal halide bulb which has more of a white glow for more of a natural light look to it. Additionally, McDonalds has requested a variance with regard to this lighting. A motion was made by Bill Brandt to grant the variance and the motion was seconded by Julie Bowling. The motion passed unanimously by acclamation.

Another issued raised was with regard to the sign exceeding the maximum square footage set out by Code Section 153.091. There was also some discussion between the commissioners with regard to needing to place in the code a set calculation for the amount of square footage. The issue that arose

is whether the Planning Commission should consider only the square footage area that is actually on the sign or should they also consider the square footage between the arcs of the M on the McDonalds sign. In any event, the Planning Commission decided that the sign substantially met Code Section 163.091. There was also a question as to whether the overall height would not exceed 35 feet and McDonald representatives assured the Planning Commission that it would not.

The only other major issue with regard to McDonalds' large scale development is whether landscaped islands would be necessary in rows of more than ten parking spaces pursuant to Code Section 150.103 (3) and pursuant to the Code, the Planning Commission determined that the landscaping plan provided by McDonalds substantially met code, thus, McDonalds was not required to comply with 150.103(3). The motion regarding acceptance of the landscape plan by McDonalds was made by Bill Brandt and seconded by Joey Pianalto. It was approved unanimously by acclamation of the Planning Commissioners. Motion to accept the entire large scale development was made by Norbert Ranalli and was seconded by Bill Brandt. It was approved unanimously by acclamation.

B. Minimum Standards for Private Roads.

Shane Harrison raised the issue with regard to standards for private roads due to the fact that there is one family of citizens in Tontitown who would like to build a private road on a portion of their property so that they can split their property so their family members can build individual houses on that property. This property is located partially in the City and partially outside of City limits. After much discussion between the Planning Commission members regarding whether they should allow a private road with regard to this matter, it was the recommendation of the Planning Commissioners that this property owner should apply for annexation and a PUD with regard to this property.

COMMENTS FROM THE MAYOR:

Mayor Joe Edgmon addressed the Planning Commission with regard to Section 5 of Ordinance 2005-10-230. Section 5 states "It has been found by the City Council of the City of Tontitown, Arkansas, that this Ordinance is immediately required in order; to secure safety from fire and other dangers; to promote healthful living conditions; to prevent the unsanitary use and development of land; to facilitate the adequate provision of transportation, water, sewage and public facilities; and ensure the orderly development of the community for the general welfare of the citizens."

Mayor Edgmon went on to discuss how there needs to be open communication between the Mayor and the Planning Commission members. Mayor Edgmon discussed whether any members had any issues in which they would like to discuss with him, now or later, and replied that his door is always open. Additionally, the Mayor stated that he does not have a problem with any of the council members and does not believe that any of them are doing a poor job. Mayor Edgmon also agreed that if any problems arose between himself and a Planning Commission member he would either contact J.R. Carroll or that Planning Commission member directly as soon as that problem arose.

ADJOURNMENT:

Norbert Ranalli made a motion to adjourn which was seconded by Joey Pianalto.

DUPLICATE OFFICIAL OATH

I, _____, do
Please Print Name
solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of _____ upon which I am about to enter.

(Signature)

(Address)

(City, State, Zip)

Sworn to and subscribed before me, _____,
a _____ in and for the County of Washington, on this
the _____ day of _____, 20_____.

(Signature of Administering Officer)

This Oath may be administered by the Secretary of State, any Judge, County or Circuit Clerk, or Justice of the Peace, but **NOT** by a **NOTARY PUBLIC!**

SECTION 4- BUSINESS OR HOLDINGS

List the name of every business in which you, your spouse or any other person for the use or benefit of you or your spouse have an investment or holding. Individual stock holdings should be disclosed. Figures should be based on fair market value at the end of the reporting period.

a) Check appropriate box: More than \$1,000 More than \$12,500

(name of corporation, firm or enterprise)

(address)

(name under which investment held)

b) Check appropriate box: More than \$1,000 More than \$12,500

(name of corporation, firm or enterprise)

(address)

(name under which investment held)

c) Check appropriate box: More than \$1,000 More than \$12,500

(name of corporation, firm or enterprise)

(address)

(name under which investment held)

d) Check appropriate box: More than \$1,000 More than \$12,500

(name of corporation, firm or enterprise)

(address)

(name under which investment held)

e) Check appropriate box: More than \$1,000 More than \$12,500

(name of corporation, firm or enterprise)

(address)

(name under which investment held)

f) Check appropriate box: More than \$1,000 More than \$12,500

(name of corporation, firm or enterprise)

(address)

(name under which investment held)

The law provides for a maximum penalty of \$1,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 21-8-401 through § 21-8-804. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

SECTION 8- GIFTS

List the source, date, description, and a reasonable estimate of the fair market value of each gift of more than \$100 received by you or your spouse and of each gift of more than \$250 received by your dependent children. The term “gift” is defined as “any payment, entertainment, advance, services, or anything of value unless consideration of equal or greater value has been given therefor.” There are a number of exceptions to the definition of “gift.” Those exceptions are set forth in the Instructions for Statement of Financial Interest prepared for use with this form. (Note: The value of an item shall be considered to be less than \$100 if the public servant reimburses the person from whom the item was received any amount over \$100 and the reimbursement occurs within ten (10) days from the date the item was received.)

a)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____
b)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____
c)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____
d)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____
e)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____
f)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____
g)	_____	(description of gift)	_____
	(date)		(fair market value)
		(source of gift)	_____

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SECTION 13- SIGNATURE

I certify under penalty of false swearing that the above information is true and correct.

Signature

STATE OF ARKANSAS

} ss

COUNTY OF _____

Subscribed and sworn before me this _____ day of _____, 20_____.

(Legible Notary Seal)

Notary Public

My commission expires: _____

Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days pursuant to Ark. Code Ann. § 21-8-703(b)(3).

IMPORTANT

Where to file:

State or district candidates and public servants file with the Secretary of State.
County, township, and school district candidates and public servants file with the county clerk.
Municipal candidates and public servants file with the city clerk or recorder, as the case may be.
Municipal judges and city attorneys file with the city clerk of the municipality in which they serve.
Members of regional boards or commissions file with the county clerk of the county in which they reside.

General Information:

- * The Statement of Financial Interest should be filed by January 31 of each year.
- * The filing covers the previous calendar year.
- * Candidates for elective office shall file the Statement of Financial Interest for the previous calendar year within thirty (30) days after the deadline for filing for office unless already filed by January 31.
- * Agency heads, department directors, and division directors of state government shall file the Statement of Financial Interest within thirty (30) days of appointment or employment unless already filed by January 31.
- * Appointees to state boards or commissions shall file the Statement of Financial Interest within thirty (30) days after appointment unless already filed by January 31.
- * If a person is included in any category listed above for any part of a calendar year, that person shall file a Statement of Financial Interest covering that period of time regardless of whether they have left their office or position as of the date the statement is due.

The law provides for a maximum penalty of \$1,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 21-8-401 through § 21-8-804. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.