

December 27, 2005 – Tontitown Planning Commission – Minutes

7:00 PM – Called to order by Ralph Pendergraft

Roll was called. All members were present.

Motion to accept minutes as written for meeting of 12/13/05 by Chuck Savage.

Seconded by Karen Inlow.

Motion passed unanimously.

Ralph Pendergraft noted that the rezoning petition for Fantinel One has been postponed until January 10, 2006. He then called F&H Foods to the podium.

Dirk Thibodaux – Freeland-Kauffman & Fredeen, Inc. – stated that they are proposing an office/warehouse at 193 Fantinel Drive. He continued that they are currently zoned commercial and are seeking a conditional use.

Ralph Pendergraft commented that this is the first lot north of Steve Gunderson's office. He asked Mr. Thibodaux to tell the Commission about the building.

Jason Vines – EWI Inc. – stated that the building would have an all brick front with brick and stucco on the sides.

Dirk Thibodaux continued to describe the building.

Tommy Granata asked the location of the door on the south elevation.

A discussion as to whether the lack of exits presents a fire hazard ensued. The Commission was assured that no fire codes have been violated.

Ralph Pendergraft announced that Rick Williams would be assuming the position as Building Official starting January 3, 2006. Mr. Pendergraft returned to the topic of F&H Foods stating that some buildings should not be in Fantinel Business Park. He asked what types of truck traffic they would have.

Shane McConnell – F&H Foods – replied FedEx and UPS would be the only truck traffic for their building.

Ralph Pendergraft commented that their building would look similar to the building to the north of their lot. He asked if there were any questions. There were no questions so Mr. Pendergraft asked for a motion.

Motion made to grant the conditional use for warehouse in a commercial district made by Tommy Granata. Seconded by Norbert Ranalli.

Ralph Pendergraft asked for any discussion. Vote was called.

Motion passed unanimously.

Dirk Thibodaux stated that they are applying for variances as the building to the east to create space in the rear for the septic causing the greenspace to shorten; also they need to leave the septic area unpaved.

Steve Gunderson read 150.02 (F)(1)(A).

There was a discussion on alternatives. It was determined that the building will sit approximately 59 feet from the street.

Chuck Savage asked how much greenspace is along the front of the building.

Dirk Thibodaux responded that there is approximately six feet.

Chuck Savage commented that they have about twelve feet of greenspace, just not together.

Discussion regarding greenspace took place.

Ralph Pendergraft noted that Mr. Savage's building had no greenspace and Mr. Gunderson's office has less than that planned for F&H Foods.

Chuck Savage offered that Ozark Sportsman has about three to four feet. He added that this building would not be out of line of the others.

Ralph Pendergraft asked for any questions.

***Motion was made to grant the variance on greenspace by Chuck Savage.
Seconded by Karen Inlow.***

Ralph Pendergraft asked for any discussion. Vote was called.

Motion passed unanimously.

Dirk Thibodaux stated that he would be addressing the variance for hard material due to the septic easement.

David Bolinger asked how many feet.

Dirk Thibodaux replied forty to eighty feet.

A discussion followed.

David Gilbert explained the reasons of the septic system and the hardship.

Ralph Pendergraft added that even though that land belongs to F&H Foods, they can't use it until the sewer is available.

Dirk Thibodaux commented that the building to the south is in the same situation.

Ralph Pendergraft stated that there would be approximately 24' by 64' of gravel space.

Karen Inlow asked if this area would hurt the septic. She also asked what size trucks would be using this area. She questioned how the Commission could ensure that the area gets paved once the sewer is available.

Steve Gunderson responded that it could be made a condition of the variance.

Ralph Pendergraft asked for any discussion. He asked that a motion be made.

Motion made by Karen Inlow that the variance against paving be granted with the condition that the area be paved within six months after sewer is available and the leachfield is abandoned.

Seconded by David Bolinger.

Ralph Pendergraft asked for any discussion. Vote was called.

Motion passed unanimously.

Dirk Thibodaux moved on to the large scale development. He proceeded to explain the plans.

Ralph Pendergraft asked David Gilbert to comment.

David Gilbert stated that the drainage needs slight modification, and that they need screening for the dumpster. He continued that it is possible to allow the staff to ensure that changes are made before the building permit is issued.

Dirk Thibodaux commented that they surveyed the ditch to find its capacity, ran calculations, and found that the ditch doesn't fill.

David Gilbert stated that the requirement is not to change the current drainage problems and what he has so far shows that. He asked them to consider across the highway and what they are doing now.

Dirk Thibodaux indicated confidence in being able to show that.

Chuck Savage asked if they would be required to clean out the ditch like Auto Master.

David Gilbert responded negatively and added that had Auto Master not done that, they might have a problem.

Ralph Pendergraft asked if the box culvert is ample.

David Gilbert replied yes.

Chuck Savage asked again if they would need to clean out the ditch.

Dirk Thibodaux responded that the ditch is not on F&H property.

Ralph Pendergraft asked if there was any discussion and added that the Commission is considering the approval of the large scale development for F&H Foods.

Karen Inlow added the approval would have the aforementioned staff recommendations.

Motion was made by Chuck Savage to approve the large scale development with staff approving outstanding issues.

Seconded by Karen Inlow.

Ralph Pendergraft asked for any discussion. Vote was called.

Motion passed unanimously.

Ralph Pendergraft called to the podium the rezoning petition for 1009 Ardemagni from R-1 to R-3.

Husk Penzo stated that he is requesting the rezoning of the twenty acres on the west side from Baker.

David Bolinger asked Mr. Penzo to indicate the location on the map.

Husk Penzo commented that across the street is R-3.

Carla McKinney – 783 Ardemagni – stated that her mom is on the south of the indicated property and then her. She added that she would like to know what plans Mr. Penzo has.

Husk Penzo replied that he has none at present. He continued that maybe in the future, he thinks it would be more valuable as R-3 and when he gets old, he could sell it and retire.

Carla McKinney asked how big the houses are that are allowed on R-3.

Ralph Pendergraft answered that there is nothing regulating house size, only that it allows up to three houses per acre. He continued that the subdivision behind City Hall has houses 2000 and up, but they don't have to be. He added that if Mr. Penzo sold the property and people wanted to put two houses per acre or one per acre, they could.

Chuck Savage stated that three per acre wouldn't be possible until sewer is available anyway.

Mick Wagner – Water and Sewer Commission - stated that a stag system, not step, has central collection with the pre-treat lifted like a sewer system.

Bev Cortiana – 342 Sbanotto – commented that Mr. Penzo stated that he was not in a hurry to do anything with the property. She added that a referendum is circulating to request the map be subject to a special election. She continued asking that the Commission hold off on rezoning this property until that time. Ms. Cortiana added that we still have citizens wanting Tontitown to stay with some development.

Steve Gunderson stated that if Mr. Penzo has met the requirements then the Commission can vote; no referendum is in front of the Commission right now so it is not in existence. He continued that if it comes to be and Mr. Penzo's petition is passed, then his is in question as are all others.

Cindy Sabatini – 1145 Ardemagni – stated that she lives northwest of Mr. Penzo's property and would like to see more land than a bunch of houses. She added that she doesn't want a bunch of low income cracker boxes when we can have beautiful landscape.

Ralph Pendergraft asked if anyone else had comments.

Karen Inlow commented that the Commission will run into situations like this where property is zoned one way on one side of the street and another on the other side. She asked if the Commissioners are going to stick with the zoning as is or spot zone all over.

David Bolinger stated that the map was created to get away from spot zoning. He questioned if this petition is necessary as there is no plan for the property.

Ralph Pendergraft commented that plans can change; Mr. Penzo could put in three per acre as soon as it's passed.

Discussion regarding spot zoning followed.

Ralph Pendergraft asked for comments. He asked for a motion.

***Motion made to approve petition to rezone from R-1 to R-3 by Chuck Savage.
Seconded by Tommy Granata.***

Motion passed 4 to 3 with Karen Inlow, David Bolinger, and Norbert Ranalli voting against.

Steve Gunderson stated that Mr. Penzo would need to see him to prepare an ordinance.

Ralph Pendergraft asked if there was any discussion.

***Motion made by Tommy Granata to adjourn.
Seconded by Norbert Ranalli.***

Motion passed unanimously. Meeting adjourned at 8:10 PM.